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IMPACT OF INTERNATIONAL TERRORISM ON TRAVEL

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438

JOINT HEARINGS

BEFORE THE

SUBCOMMITTEES ON ARMS CONTROL, INTERNATIONAL SECURITY AND SCIENCE

AND ON

INTERNATIONAL OPERATIONS

OF THE

COMMITTEE ON FOREIGN AFFAIRS

AND THE

SUBCOMMITTEE ON AVIATION

OF THE

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

NINETY-NINTH CONGRESS

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WEDNESDAY, FEBRUARY 19, 1986

House of Representatives, Committee on Foreign Affairs, Subcommittees on Arms Control, International Security and Science, and on International Operations,

Washington, DC.

The subcommittees met at 2:18 p.m., in room 2172, Rayburn House Office Building, Hon. Dan Mica (chairman of the Subcommittee on International Operations) presiding.

Mr. Mica. Today I have the pleasure of cochairing with Chairman Fascell the first of a series of hearings to be held by the Subcommittees on International Operations, which I chair, and Arms Control, International Security and Science, to review efforts to improve security of Americans abroad, to strengthen diplomatic security and to bolster U.S. counterterrorism policies.

Specifically today's hearing will focus on the status of implementation of part B of title V of the International Security and Development Cooperation Act of 1985, which we passed out of this committee and into law last year, after some very difficult times, and the progress that has been made in achieving greater security at international airports.

Without any further delay we are going to begin the hearing and I will introduce the witnesses. But I would just like to indicate for the record that we have with us Congressman John Paul Hammerschmidt, and we expect with us Congressman Norm Mineta, both who have been active on their subcommittees in these areas.

When Congressman Mineta arrives I will introduce him. We're pleased to have them here with us. This is an area that doesn't really belong in any one jurisdiction but probably a number of jurisdictions in the Congress.

Our witnesses will be Ambassador Parker Borg, Deputy Director of the Office of Counterterrorism Policy; Mr. Jeff Shane, the Deputy Assistant Secretary for Transportation Affairs at the Department of State; Assistant Secretary Matt Scocozza at the Department of Transportation; and Mr. Richard Nobel from the Federal Aviation Administration.

Before I ask Ambassador Borg to proceed, I might invite each of you to take your places at the table. I will ask my ranking minority member, Ms. Snowe, if she has any opening comments.

Ms. Snowe. Thank you, Mr. Chairman.

I'd like to ask consent to include the entire text of my statement in the record.

Mr. MICA. Without objection.

[Ms. Snowe's statement follows:]

PREPARED OPENING STATEMENT OF HON. OLYMPIA J. SNOWE

Mr. Chairman, I would like to congratulate you for pushing forward the airport security legislation that originated from this committee last year. This committee has an obligation to continue these oversight hearings on this landmark legislation.

The airport security legislation that Congress passed as part of the foreign aid bill last year gave the Administration an important tool to ensure that the newly strengthened international standards are actually followed. Studies show that 30 to 35 percent of all terrorist incidents involve U.S. citizens or property, so uniform adherence to those standards are the least that we can expect of other countries for free access to American tourist revenues.

And yet, the two hijackings out of the Athens Airport last year, which helped spur Congress on to passing this legislation, continue to raise serious questions about the adequacy of even the tightened standards of the International Civil Aviation Organization. Because of our technical successes against skyjacking, it appears that terrorists may be working through accomplices among airport personnel to circumvent the screening process.

I hope that the witnesses will comment on this problem, and will comment on the adequacy of existing international standards. I would like to thank the witnesses for testifying before us today, and I look forward to your comments.

Ms. SNOWE. Mr. Chairman and members of the committee. I certainly would like to congratulate you, Mr. Chairman, for being instrumental and making sure that this legislation was enacted and that it emerged from this committee last year.

We have an obligation as a committee to review the legislation in terms of its adequacy. So I am pleased that we are holding these oversight hearings today on this landmark legislation. It was clear that Congress intended to give the administration the tools by which we could make sure that strengthened international standards are pursued and implemented by other countries.

And so I think that uniform adherence to these standards are the very least that we should require of other countries. I would hope that we will receive comments from our witnesses here today that will tell us how we can improve upon the legislation, and how it has been progressing since the time it was enacted by the Congress.

Again, Mr. Chairman, thank you for the time.

Mr. MICA. Thank you.

Mr. Hammerschmidt, do you have any opening comments?

Mr. HAMMERSCHMIDT.[1] Thank you very much, Mr. Chairman.

As we all know, 6 months ago the Foreign Affairs Committee and the Public Works Committee combined forces to pass legislation dealing with security at foreign airports.

This action was really prompted by the hijacking of TWA flight 847. I think it is important that we continue to monitor the security situation at foreign airports and the U.S. Government's response to shortcomings in foreign airport security.

Therefore, I commend the chairman, certainly for calling these hearings and thank him for inviting those of us on the Public Works and Transportation Committee to participate. I'm glad to see that the cooperation that marked the passage of the foreign airport security legislation last summer is continuing today.

---

[1] Hon. John Paul Hammerschmidt, a Representative in Congress from the State of Arkansas.

Mr. Chairman, I have another markup session over at the VA. So I am going to have to leave, but it does not take anything away from my very important interest in what is going on today. And I ask unanimous consent to revise and extend my remarks.

Mr. **Mica**. Without objection.

Mr. **Hammerschmidt**. Thank you.

[Mr. Hammerschmidt's statement follows:]

Prepared Opening Statement of Hon. John Paul Hammerschmidt

Mr. Chairman: Six months ago, the Foreign Affairs Committee and the Public Works Committee combined forces to pass legislation dealing with security at foreign airports. This action was prompted by the hijacking of TWA flight 847.

This legislation requires an assessment of security at foreign airports to determine whether a particular facility meets internationally approved standards. Any airport which is found to be deficient in its security will be so notified and be given time to correct the deficiency. If remedial steps are not taken within the specified time, steps will be taken to advise passengers that the airport does not meet internationally approved security standards. In addition, the law expands our Government's authority to suspend or revoke the operating rights of U.S. and foreign carriers to serve the "problem" airport and also broadens the authority to take similar action against the airlines of other nations that continue to serve it.

But it is important that we not let the passage of this legislation lull us into a sense of complacency. Sporadic terrorist acts have continued to occur. These have caused senseless destruction and death. They give rise to new fears about international travel and harm the airlines that provide international air service.

I think it is important that we continue to monitor the security situation at foreign airports and the U.S. Government's response to shortcomings in foreign airport security.

Therefore, I commend the chairman for calling these hearings and thank him for inviting those of us on the Public Works and Transportation Committee to participate. I'm glad to see that the cooperation that marked the passage of the foreign airport security legislation last summer is continuing today.

Mr. **Mica**. As we ask the witnesses to proceed, I would just like to state this for the record:

In airport security or embassy security or security right here at the U.S. Capitol, I want the witnesses here to know and I think the record should show that we in the Congress all understand that laws cannot totally stop all of this. We recognize that.

Serving on the Inman Commission on Terrorism, we kind of set a base line as to what prudent men and women can do to try to avoid the problems we have had in the past. So as we proceed with your testimony, I want you to know that we realize that no amount of deterrent in security can stop someone intent on blowing themselves up or committing suicide.

But reasonable men and women and reasonable governments can take reasonable precautions and that is what we are asking and hoping that you do, under the auspices of this law, to the very fullest extent possible.

With that, I would like to ask Ambassador Borg to please proceed.

Let me just interrupt before you say your first word. Each of you will be allowed to submit your entire statement for the record and it will be included in the record.

You are welcome to summarize that statement. And one final point. We have another Member of Congress who will be coming in to give a brief bit of testimony. And when he arrives we will let him take the witness table also.

And with that, thank you.

Please proceed, Ambassador Borg.

STATEMENT OF HON. PARKER W. BORG, DEPUTY OFFICE OF THE AMBASSADOR-AT-LARGE FOR COUNTERTERRORISM, DEPARTMENT OF STATE

Ambassador BORG. Mr. Chairman, members of the committee, thank you very much. I am pleased to have the opportunity to be with you today. I have a statement and I will try to read a brief portion of it.

We are going to attempt today an overview of recent actions undertaken to combat terrorism, particularly in the field of aviation security. Substantial progress has been made over the past year. We have intensified our bilateral relationships with friends around the world and begun discussing common counterterrorism efforts with countries where we have not previously had close ties.

Efforts at improved intelligence collection, better security and closer international cooperation help us deter or preempt about 100 international terrorist incidents during the past year.

We have improved the security of our embassies and consulates and heightened the security awareness of our personnel. We have made important progress through international organizations in establishing that terrorism is a threat to all nations.

We have made effective use of recent legislative tools: the Rewards Program, the Crime Act of 1984, Public Law 99-85, and others, to strengthen our antiterrorism efforts with other countries.

I think it is important to underscore that our effort and our success have been joint ones. We have been working closely throughout the past year with all sections of the executive branch and we have counted on the strong support from the Congress, especially this committee, for its success.

I would like to survey briefly first our efforts at bilateral international and multilateral cooperation, follow this with a discussion of our specific actions against Libya, and then turn to aviation security.

BILATERAL EFFORTS AGAINST TERRORISM

Our bilateral efforts to combat terrorism are becoming more complex with better exchanges of intelligence, more frequent high-level communications, cooperative efforts in counterterrorism technology, and better judicial and military cooperation.

Counterterrorism cooperation is on the agenda for every high-level visit to the United States. Ambassaor Oakley has led numerous interagency delegations to other countries for specific discussions on counterterrorism cooperation.

We have found the Anti-Terrorism Assistance Program to be an especially effective tool for stimulating general interest in other countries in cooperation, and stimulating support for specific U.S. policy concerns. To date 32 countries have participated in some aspect of the ATA Program, with a total of 1,800 training participants.

The 1985 Annual Report on the Anti-Terrorism Assistance Program has been submitted just today to the Congress. And I offer that for the record. The United States has had substantial success in international organizations, in obtaining more effective agreements, stronger resolutions against international terrorism.

Mr. MICA. Mr. Ambassador, do you have the report there? Does the committee have the report? We will insert it into the record at this time.

Ambassador BORG. We have copies of it here. We submitted the whole thing.

Mr. MICA. OK. We will submit it at this point.[1]

Ambassador BORG. The United States has had substantial success with international organizations in obtaining more effective agreements and stronger resolutions against international terrorism. The United Nations Security Council has issued several statements condemning international terrorism and acted unanimously on a U.S. proposal in December against hostage-taking.

Also in December, the U.N. General Assembly adopted a strong resolution which unequivocally condemned as criminal "all acts, methods and practices of terrorism, wherever and by whomever committed."

The International Maritime Organization acted upon a U.S. resolution, introduced at the IMO's 14th assembly in November 1985, to instruct the Maritime Safety Committee to develop measures for the prevention of terrorist attacks against passengers and crews on board ships. A detailed U.S. proposal was favorably received at the meeting which ended February 5, and we expect adoption of the final text at the next meeting in September.

As a separate matter, we have for some time been engaged in the effort to encourage other states to become parties to the Tokyo, Hague, and Montreal conventions which relate to aircraft safety, hijacking and sabotage.

U.S. policy in multilateral organizations for combating terrorism is directed toward: first, increasing public understanding and awareness of the nature of terrorism; second, encouraging the development of internationally accepted standards of behavior and responsibility for individual states in preventing, deterring, and punishing terrorism; and third, encouraging effective international cooperation to combat terrorism, including adherence to existing international counterterrorism conventions.

EVALUATION OF MULTILATERAL EFFORTS

In contrast to these impressive developments in our bilateral relationships and with international organizations, multilateral cooperation to combat terrorism among like-minded states has gone more slowly, but there has been some progress.

European states have organized a high-level EC committee to coordinate action on the problems. The Council on Europe Committee on Combating Terrorism has proposed to expand the European convention for the suppression of terrorism to additional states. We welcome the initiative.

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[1] 1985 Annual Report on the Anti-Terrorism Assistance Program appears in appendix 1.

Cooperation with the Summit Seven context however, has been frankly less rewarding during the past year. We have sought as a first step with this group, which represents some of our closest allies, to revitalize the Bond Declaration and obtain agreement to cooperate in specific areas outlined in previous summits at Venice, Ottawa, and London.

But the political climate at the moment has not permitted this sort of multilateral cooperation. The United States has raised the idea for an international coordinating committee privately, with individual members of the Summit Seven, and collectively at the last Summit Seven experts meeting on December 10, but found no support at this time for creating a more formal body.

Nevertheless, we have broached the idea and will continue to pursue the concept. We believe that we must have a more institutionalized approach to multilateral counterterrorism cooperation along this line.

The United States has found what we believe might be a more effective forum for cooperation among the five close allies, Britain, Italy, Germany, Japan, and Canada, organized through the interior ministries of the six participating countries.

U.S. RESPONSES TO RECENT TERRORIST ACTS

I would like to turn now to recent events and U.S. reaction to them. I believe they illustrate some of the topics I have just discussed.

The attack at Rome and Vienna airports on December 27, in which 18 people were killed, convinced the United States that we had to direct more attention against Libyan support for international terrorism. These attacks came at the end of the worst recent year for international terrorist attacks.

Most of this increase came from Middle Eastern terrorism. It was this pattern of rapidly growing Middle Eastern terrorism with greatly increased casualties, more frequent targeting of United States citizens and interests, and stronger state support which caused the Reagan administration to draw the line for Qadhafi and Libya's direct involvement in terrorism.

Libya is not the only state in the Middle East supporting and using terrorism. Syria and Iran remain very involved. But over the past 6 months, Libya has become by far the most active, especially against Americans and Europeans. If Libya cannot be stopped others can be expected to follow its lead.

Against this background of escalating Libyan sponsored attacks and the previous unwillingness of most governments to join in effective measures to stop the threat, the airport attacks were seen as a clear call for action. The President decided to take unilateral action, putting an end to the remaining United States-Libyan commercial and financial relations, and called on other governments to send Qadhafi and other governments in the area a signal to stop supporting terrorism.

The first reactions in Europe to measures against Libya appeared to be negative. Europeans worried that they might lose Arab links and business or that the United States was about to take some thoughtless action which could have unforseen repercussions in the Middle East.

Fortunately our friends were reassured when the President's decisions were explained directly to them, that we were seeking collective application over time of peaceful measures rather than military action or immediate across-the-board sanctions.

Although it is of course too soon to tell what the ultimate effect will be on Libya and not all actions taken by European States to be made public, there was a positive response in public or in private by almost all of the governments visited by Deputy Secretary Whitehead.

Almost all the Western governments have agreed to cessation of arms supplied to Libya, including existing contracts, an end to government credits for exports, tighter controls on Libyan entry and movement, and promised not to substitute for departing American companies and technicians.

This is a long-term effort but one we are monitoring closely. In addition to actions by European states, Arab governments vocally supportive of Qadhafi initially have not extended credit to Libya's faltering economy nor taken retributive actions against the United States.

United States efforts to obtain a boycott against Libyan Arab Airways has been strongly reinforced by the sanctions announced by President Reagan January 8, and the subsequent consultations with our European allies on a mission headed by Deputy Secretary Whitehead. Our actions to isolate Qadhafi illustrate several aspects of our important struggle to stop international terrorism.

Counterterrorism efforts is a long and complicated one, which must be pursued by a combination of unilateral, bilateral, and multilateral measures. There are no magic solutions. Most terrorism takes place abroad where our power is limited. Our friends have a slightly different set of interests than we do and the enemy is determined sometimes to die for his cause.

Before I turn to Mr. Scocozza of the Department of Transportation and Mr. Shane from the State Department for more specific discussions of our efforts in the transportation field, I would like to note that we have made important progress over the past year, not only in developing and improving international consensus against terrorism, but also in taking important concrete steps unilaterally, bilaterally with our friends, and in international organizations.

I believe that we will be able to preempt and deter a greater number of terrorist acts in 1986 than we did in 1985. But much more work needs to be done until we can eliminate this modern scourge. The task is not an easy one and there are no quick fixes. We look forward to continued close cooperation with the Congress in this critical area of U.S. policy.

Mr. Chairman, members of the committee, following the presentation of my colleagues I will be happy to answer any questions you may have. Thank you.

[Ambassador Borg's prepared statement follows:]

PREPARED STATEMENT OF HON. PARKER W. BORG, DEPUTY, OFFICE OF THE AMBASSADOR-AT-LARGE FOR COUNTERTERRORISM

Mr. Chairman and members of the Committee, I am very pleased to have this opportunity to review with you today our progress in improving security for international air travelers and to give you an overview of recent actions undertaken to combat terrorism. Let me start with the overview first.

The pace of cooperative international activity to combat terrorism is quickening, and substantial progress has been made over the past year.

--We have intensified our bilateral relationships with friends around the world and begun discussing common counter-terrorism efforts with countries where we have not had such close ties;

--As previously noted by President Reagan, efforts at improved intelligence collection, better security and closer international cooperation helped us deter or pre-empt about 100 international terrorist actions during the past year.

--We have improved the security of our embassies and consulates and heightened the security awareness of our personnel; the Inman Panel provided an important outside review of what needed to be done.

--We have made important progress through international organizations in establishing that terrorism is a threat to all nations.

--We have made effective use of recent legislative tools--the rewards programs, the Crime Act of 1984 and Public Law 99-83--to strengthen our efforts with other countries.

I think it is important to underscore that our effort and our success have been a joint ones. We have been working closely throughout the past year with all of the sections of the Executive Branch and have counted on the strong support from Congress, especially the interest of the House Foreign Affairs Committee.

I would like to survey briefly first our efforts at bilateral, international and multilateral cooperation, followed by a discussion of our specific actions against Libya and conclude with a statement about our efforts to improve civil aviation security.

Our bilateral efforts to combat terrorism are becoming more complex, with better exchanges of intelligence, more frequent high-level communications, cooperative efforts in counter-terrorism technology, and better judicial and military cooperation. More countries are establishing centralized counter-terrorism offices, able to coordinate the various parts of their bureaucracy, both on a routine operational basis and during a terrorist incident. Our bilateral cooperation to combat terrorism is already good and steadily improving.

Counter-terrorism cooperation is on the agenda for every high level visit to the United States; other countries can have no doubt as to the commitment of the United States to combat terrorism by every means. Ambassador Oakley has led numerous inter-agency delegations to many nations for in depth discussions of counter-terrorism cooperation.

We have found the Anti-Terrorism Assistance Program to be a very effective policy tool for stimulating general interest by other countries in general cooperation and in stimulating support for specific United States policy concerns. It has helped us strengthen our policy dialogue with such states as Turkey, Greece, Egypt, the Gulf States, Israel and Colombia. To date, 32 countries have participated in some aspect of the ATA program, with a total of over 1800 participants. The Office of Counter Terrorism and the Bureau of Diplomatic Security have cooperated closely in the administration of this program. There is no doubt that there is a higher level of awareness in many countries of the dangers of international terrorism and a greater willingness to take effective actions against it because of the ATA program. The 1985 Annual Report of the Anti-Terrorism Assistance Program has just been submitted to the Congress and I offer it for the record.

--The United States has had success in international organizations in obtaining more effective agreements and stronger resolutions against international terrorism. The United Nations Security Council has issued several statements condemning international terrorism, and acted unanimously on a US proposal in December against hostage taking. Also in December, the UN General Assembly adopted a strong resolution which unequivocally condemned as criminal "all acts, methods and practices of terrorism wherever and by whomever committed...." The resolution specifically called on all states to take appropriate measures as recommended by the International Civil Aviation Organization (ICAO) and as set forth in relevant international conventions to prevent terrorist attacks.

The International Maritime Organization (IMO) acted upon a United States resolution, introduced at the IMO's 14th Assembly in November, 1985, to instruct the Maritime Safety Committee (MSC)to develop measures for the prevention of terrorist attacks against passengers and crews on board ships. A detailed US proposal was favorably received by the MSC at its meeting which ended February 5 and we expect adoption of a final text at the next MSC meeting in September. The US proposal was based on Annex 17 to the Chicago Convention and the ICAO Security Manual, with modifications necessary to make it suitable for application to the maritime situation. Although the mandates of ICAO and IMO are significantly different, we are grateful for ICAO for making available to IMO its years of experience with security measures so that IMO could accomplish in a matter of months in the maritime area what took years to accomplish in international civil aviation affairs.

As a separate matter, we have for some time been engaged in an effort to encourage more states to become parties to the Tokyo, Hague and Montreal Conventions, which relate to aircraft safety, hijacking and sabotage. This effort has been going on for several years and has achieved such a degree of success that these conventions are now among the most widely accepted internationally. The Tokyo Convention has 121 parties, the Hague 126, and Montreal 127.

These recent activities by the United States in international organizations represent a good deal of recent success. U.S. policy in multilateral organizations for combatting terrorism is directed toward: (1) increasing public understanding and awareness of the nature of terrorism; (2)encouraging the development of internationally accepted standards of behavior and responsibility for individual states in preventing,deterring and punishing terrorism; and (3) encouraging effective international cooperation to combat terrorism, including adherence to existing international counter-terrorism conventions. The above cited actions make clear that progress is possible and that the system has recently been responding favorably and with a sense of urgency to our calls, and those of others, for action.

--In contrast to these impressive developments in our bilateral relationships and with international organizations, multilateral cooperation to combat terrorism among like-minded nations has gone more slowly, but there has been some progress. For example, European states, partly as a result of our pressing them to do more to stop Qadhafi's support for terrorism, have organized a high level EC committee to coordinate actions on the problem. We welcome this effort by European states to address collectively the problem of international terrorism and we are seeking ways to cooperate, institutionally or informally, with this group.

The Council of Europe's committee on combatting terrorism has proposed in recent days to expand the European Convention on the Suppression of Terrorism to additional states. We welcome the initiative and look forward to contacts with the Council of Europe to explore how we might move forward with a broader convention.

Cooperation in the Summit Seven context has been frankly less rewarding during the past year. We have sought as a first step with this group which represents some of our closest allies to revitalize the Bonn Declaration and obtain agreement to cooperate in specific other areas outlined in Summit statements at Venice, Ottawa and London, but the present political climate has not permitted the sort of multilateral cooperation which we believe in essential in this field.

The United States has raised the idea for an International Coordinating Committee privately with individual members of the Summit Seven group and collectively at the last Summit Seven experts meeting December 10, but found no support at that time for creating a more formal body. Nevertheless, we have broached the idea, and will continue to pursue the concept. We believe that we must develop a more institutionalized approach to multilateral counter-terrorism cooperation along this line.

The US has found what we believe might be a more effective forum for cooperation among five close allies -- Great Britain, Italy, West Germany, Japan and Canada -- organized through the interior ministries of the six participating countries. This forum, which participants might eventually might want to expand to included other like-minded governments, holds a promise for the kind of joint or parallel actions against terrorism that are needed.

These examples illustrate that some progress has been achieved, but also illustrate the broader problems in obtaining joint international actions against terrorism along the lines foreseen in Title V of the Foreign Assistance Act. We are keeping our objectives firmly in mind and pressing them at every opportunity where acceptance by other countries provides a reasonable prospect for success.

I would like to turn to recent events, and the United States reaction to them, to illustrate some of the topics I have just discussed.

The attacks at the Rome and Vienna airports on December 27 in which 18 people were killed -- including five Americans -- and over 80 injured, convinced the United States that we had to direct more attention against Libyan support for international terrorism. These attacks came at the end of the worst recent year for international terrorist attacks, with the number of incidents increasing from 600 to 800 and the number of casualties from 1279 to 2223. Of those, 23 killed and 139 wounded were American. Most of this increase came from Middle East terrorism, aided by state support. Over the past three years, terrorist incidents in the Middle East, or caused by Middle East groups, have gone up from 109 to 286 to 378 (for 1985).

It was this pattern of rapidly growing Middle East terrorism, with greatly increased casualties, more frequent targetting of US citizens and interests, and stronger state support, which caused the Reagan Administration to draw the line for Qadhafi and Libya's direct involvement in terrorism. Libya is not the only state in the Middle East supporting and using terrorism: Syria and Iran remain very involved. But over the past six months Libya has become by far the most active, especially against Americans and Europeans. If Libya cannot be stopped, others can be expected to follow its lead.

The connection between Libya and the currently most active terrorist group, Abu Nidal, merits a few words. Details are contained in the State Department's Special Report 138 of January, 1986, which I request be made part of the record of this hearing. Over the last half of 1985 we know of Libyan money in the millions of dollars going to Abu Nidal, of Libya providing and buying him arms, of Abu Nidal and his top lieutenants living in Libya, of his killers being trained there and travel documents and other facilitative measures to permit Abu Nidal to carry out terrorist acts abroad being provided by Libya. Some of this evidence, such as the Tunisian passports used by the terrorists in the Vienna attack, is public. Some of it is highly classified intelligence, and to reveal it would help the terrorists beat our defenses. But there is no question about the Libya-Abu Nidal connection or what Qadhafi hoped to accomplish. By this new terrorist resource, the fanatical Libyan leader believed his limitless ambitions and wild dreams could become true, that the West as well as the Arab world would be so intimidated that they would accept him as a major force to be reckoned with on the regional and world scene.

Against this background of escalating Libyan-sponsored attacks and the previous unwillingness of most governments to join in collective measures to stop the threat, the airport attacks were seen as a clear call for action and leadership by the United States. The President decided to take unilateral action, putting an end to the remaining US-Libyan commercial and financial relations, and called on other governments to send Qadhafi and other governments a signal to stop supporting terrorism. This was also a moral issue; we did what we felt was right regardless of the position of other governments.

There have been a number of reasons why the Europeans have been reluctant to act with us, both previously when we tried to exert pressure on Qadhafi and in the wake of the most recent attacks. These reasons, which also illustrate the broader problems in obtaining stronger joint international action against terrorism, include: concern for the safety of their citizens in Libya or elsewhere if they were to join the US in strong action; skepticism over the effectiveness of economic sanctions; and other foreign policy interests in the region.

Thus, first reactions in Europe to measures against Libya appeared to be negative. Europeans worried that they might lose Arab links and business, or that the United States was about to take some thoughtless action which would have unforeseeable repercussions in the Middle East, just as the British and French invasion of Suez did in 1956. But they were also afraid of a major confrontation within the Western Alliance should the United States demand that they at once apply full economic sanctions, or that we might apply an extraterritorial dimension and make our own decisions binding upon US subsidiary companies in Europe.

Fortunately, our friends were reassured when the President's decisions were explained directly to them, that we were seeking collective application over time of peaceful measures rather than military action or immediate across-the-board sanctions. The also understood better our actions when they had an opportunity to study the detailed intelligence on Libyan activities which we provided, identifying specific evidence and emonstrating the real seriousness of the threat.

Although it is of course to soon to tell what the ultimate effect will be on Libya, and not all actions taken by European states will be made public, there was a postive response, in public or in private, by almost all the governments visited by Deputy Secretary Whitehead. Almost all the Western governments have agreed to cessation of arms supply to Libya, including existing contracts, and end to government credits for exports, tighter controls on Libyan entry and movement, and a promise not to substitute for departing American companies and technicians. All governments with which we spoke said they would consider additional measures, and we will hold them to this promise.

This is a long term effort, but one we are monitoring closely. In addition to actions by European states, Arab governments, vocally supportive of Qadhafi initially, have not extended credit to Libya's faltering economy, nor taken retributive actions against the United States. The Soviet Union, despite rhetorical support and the dangerous policy of supplying Qadhafi weapons, also show signs of unease and caution. Qadhafi has demonstrated his discomfort with US actions, both by posturing for the media and in looking for other areas, such as Chad, to show he can still exert force. However, President Reagan has made it clear to all that he is prepared to continue exercising responsible leadership by the United States, including the use of force, if necessary, to deter Qadhafi from his murderous policies.

US efforts to obtain a boycott against Libyan Arab Airways has been strongly reinforced by the sanctions announced by President Reagan January 8, and the subsequent consultations with our European allies on the mission headed by Deputy Secretary of State Whitehead. Few European states still have airline connections with Libya and we have asked each one of them to denounce their agreement. None have agreed so far, perhaps out of concern for their citizens still in Libya, but we are following the situation closely.

Our actions to isolate Qadhafi illustrate several aspects of our struggle to stop international terrorism. Qadhafi is only part of the problem, and we are not losing sight of that fact. The counter-terrorism effort is a long and complicated one, which must be pursued by a combination of unilateral, bilateral and multilateral measures. There are no magic solutions. Most terrorism takes place abroad where our power is limited, our friends have a slightly different set of interests than we do, and the enemy is determined and ready to die. We will be rewarded for our efforts through persistence in seeking our objectives, through sensitive cooperation with our allies and through firmness with respect to terrorists and their supporters. We must recognize that our solutions will not always be accepted, and that we must remain flexible in how we achieve our goals.

I would like to turn now to specific measures relating to the State Department's responsibilities in preventing acts of terrorism in the civil aviation context, bearing in mind that Mr. Matthew Scocozza of the Department of Transportation will also be addressing this issue in more detail, as will Mr. Jeffrey Shane, Deputy Assistant Secretary for Transportation Affairs in the Department of State.

Improved civil aviation security has been one of our highest priorities -- and an area where we can see some results. It may be useful to review actions that have taken place since the hijacking of TWA 847 from Athens last June. We had already been active in this field and some measures were already in place. Five months earlier a combined industry/government team had visited Athens and several other Middle Eastern airports and criticized security systems, particularly in Athens. This team carried out joint airport inspections and offered assistance to countries to improve security conditions. It also recommended specific amendments to the minimum security standards required by ICAO. The Greeks promised - seemed - to be responsive, so further action was not taken.

The TWA hijacking prompted strong reactions. We issued a travel advisoryfor Athens The Greeks responded angrily, especially when tourists and the New York Philharmonic cancelled their trips. But they quickly instituted the improved airport security standards we had proposed five months earlier. At the same time, behind the leaderhsip of Transportation Secretary Elizabeth Dole and her Canadian collegue, the ICAO Council expeditiously adopted a number of additional minimum security measures, and several other governments took rapid advantage of offers by State and FAA for technical assistance and training in civil aviation security. Congress then passed legislation providing FAA and State with some leverage in their airport inspections around the world through the travel advisories and sanctions they were authorized to use.

When we look back to last June -- eight months ago -- much has changed in civil aviation security. Security standards for aircraft and airports have been markedly improved. It is worth recalling that the attacks in Rome and Vienna in December took place in the public areas of the airports, perhaps because of the increasing difficulty of introducing weapons aboard aircraft. ICAO has never operated better and is carrying out its mandate to the fullest. The international community has found a new consensus for improved aviation security measures. More remains to be done, specifically in the area of creating more binding measures, but when we look back, even over this short period of time, the institutional arrangements to prevent terrorist acts in civil aviation represent permanent progress.

In conclusion, I would like to note that we have made important progress over the past year not only in developing an improved international consensus against terrorism, but also in taking a number of concrete steps unilaterally, bilaterally with our friends and in international organizations. I believe we will be able to pre-empt and deter a greater number of terrorist acts in 1986 than we did in 1985, but much more work needs to be done until we can eliminate this modern scourge. The task is not an easy one and there are no quick fixes. We look forward to continued close cooperation with the Congress in the critical area of U.S. policy.

Mr. Chairman, members of the Committee, I will be happy to answer any questions you may have.

RECENT GREEK RESPONSES TO TERRORISM

Mr. MICA. Thank you.

We will proceed to Mr. Shane in just one moment. Just one technical point.

Did you read page 16 and page 17 with regard to the Greeks' action in responding or not responding? Maybe I missed it.

Ambassador BORG. Do you want to tell me where you want me to pick up?

Mr. MICA. You have here, "The TWA hijackings prompted strong reactions. We issued a travel advisory for Athens. The Greeks responded angrily, especially when tourists and the New York Philharmonic cancelled their trips. They quickly instituted—" Then you say that the Greeks have not acted.

Is that part of your official testimony, or is that not?

Ambassador BORG. And I say that the Greeks have not acted?

Mr. MICA. I think on the next page. What I just read, did you read that? Do you have it?

Ambassador BORG. I have it right here. "The TWA hijackings prompted strong reactions. We issued a travel advisory for Athens. The Greeks responded angrily, especially when tourists and——"

Mr. MICA. Is that on page 16 of your testimony?

Ambassador BORG. That's right.

Mr. MICA. All right. I'm assuming that the testimony that I have may have missed that point, that it is not the same as what you are reading.

Ambassador BORG. I believe maybe you are referring to the previous paragraph?

Mr. MICA. Yes.

Ambassador BORG. All right. We had a delegation that went to Athens in February and talked with the Greeks about security problems at their airport. It was a joint FAA, State, and industry delegation.

We spoke with the Greeks; we expressed our concern at the time. The Greeks seemed to be responsive then to what we were proposing so that we did not feel that it was necessary to take further action at the time.

However, when the TWA hijacking had occurred, since we had already discussed with them what we felt they needed to do, we felt we could go forward on the advisory.

Mr. MICA. I did not mean to get into questions now. I just must have missed that part. Oftentimes when we get testimony there is something left out from what was given to us the day before. It is an area I would like to look at. But you apparently did cover that so I will just leave that for now and come back to it.

Ambassador BORG. I did not go into this in more detail when I was reading this because I was trying to keep it brief and because this is an area for discussion also among my colleagues here.

Mr. MICA. I will pick up on that during questions. Thank you very much. Mr. Shane, would you please proceed?

STATEMENT OF JEFFREY N. SHANE, DEPUTY ASSISTANT SECRETARY FOR TRANSPORTATION AFFAIRS, BUREAU OF ECONOMIC AND BUSINESS AFFAIRS, DEPARTMENT OF STATE

Mr. SHANE. Thank you very much Mr. Chairman. I represent that part of the Department of State which works directly with foreign governments specifically in the area of civil aviation. And so what I want to offer this afternoon is just a brief statement complementing that of Ambassador Borg, specifically in the area with which we deal.

ICAO ACTIONS

We have launched both multilateral and bilateral initiatives on this important front, airport and aviation security. Most significantly, the International Civil Aviation Organization, ICAO, recently completed a far-reaching revision of annex 17 to the Chicago Convention, strengthening and expanding the international standards and recommended practices promulgated by ICAO in the area of aviation security.

This revision, which Assistant Secretary Scocozza of DOT will be addressing in greater detail in just a few moments, was achieved as a direct result of strong U.S. leadership, including, first, personal appeals by Secretary Dole, both to ICAO in Montreal and in letters to her counterparts in key countries; second, the coordinated daily efforts of our representative to ICAO, Edmund Stohr, and, third, through the impressive work of dozens of our Embassies to bring this issue to the attention of key foreign government officials at a high level.

Along with its efforts to revise annex 17, ICAO developed a model aviation security article to be inserted into aviation agreements between states. That is to say between governments. Since ICAO has no enforcement powers, states must adopt such language bilaterally to give teeth to the recommended standards which ICAO develops.

This draft article commits each party to follow the provisions of international antihijacking agreements, to observe the other party's security regulations, and to provide assistance to help end any threats that do arise. It includes an enforcement clause that could lead to the revocation of airline operating rights for failure to ensure adequate security.

The Department of State, in coordination with the Department of Transportation and other Government agencies, is now taking steps to secure the widespread adoption of a security article closely paralleling the ICAO model. We have already succeeded in including such an article in the bilateral aviation agreement just reached with the Soviet Union in November, and signed on February 13.

Incorporation of our model text will be a major goal in all future aviation negotiations. We are not waiting for the expiration of current bilaterals to raise the security issue with our aviation partners, but have requested our Embassies in some 80 countries with which we have an aviation relationship to propose to host governments that our existing agreements be amended to include the model article.

We have received many positive initial comments and expect to reach agreement with several countries in the near future.

ROLE OF US. EMBASSIES

Both from my vantage point as a former DOT official until a few months ago, and now from where I sit at the Department of State, I cannot stress too much the value of the on-the-spot work carried out by our Embassies overseas in our efforts to improve aviation security.

Our ambassadors have presented our security article to the very highest levels of foreign governments. Literally hundreds of visits by Embassy officers have paved the way for the FAA's trips to evaluate foreign airport security and for the Federal Air Marshal Program.

Likewise, while annex 17 was being revised, embassy officials presented Secretary Dole's letter on aviation security to foreign transportation ministers in countries on the ICAO council, made numerous demarches to senior aviation policy and security policy officials, and otherwise kept the heat on governments to take some concrete action in the wake of the TWA flight 847 hijacking.

That concludes my prepared remarks, Mr. Chairman, And I will be prepared to answer questions as well when all of the remarks are concluded.

[Mr. Shane's prepared statement follows:]

PREPARED STATEMENT OF JEFFREY N. SHANE, DEPUTY ASSISTANT SECRETARY FOR TRANSPORTATION AFFAIRS, DEPARTMENT OF STATE

Mr. Chairman and members of the Committee, thank you for giving me the opportunity to discuss our progress in ensuring maximum security for international air travellers.

We have launched both multilateral and bilateral initiatives on this important front. Most significantly, the International Civil Aviation Organization recently completed a far-reaching revision of Annex 17 to the Chicago Convention, strengthening and expanding the international standards and recommended practices promulgated by ICAO in the area of aviation security. This revision, which Assistant Secretary Scocozza of DOT (has just addressed) (will soon address), was achieved as a direct result of strong U.S. leadership, including personal appeals by Secretary Dole both to ICAO, in Montreal, and in letters to her counterparts in key countries; the coordinating daily efforts of our representative to ICAO, Edmund Stohr; as well as the impressive work of dozens of our Embassies to bring the issue to the attention of key foreign government officials.

As a part of its effort to revise Annex 17, ICAO developed a model aviation security article to be inserted into aviation agreements between States. Since ICAO has no enforcement powers, States must adopt such language bilaterally to give teeth to the recommended standards ICAO develops. This draft article commits each party to follow the provisions of international anti-hijacking agreements, to observe the other party's security regulations, and to provide assistance to help end any threats that do arise. It includes an enforcement clause that could lead to the revocation of airline operating rights for failure to ensure adequate security.

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Both from my vantage point as a DOT official, until a few months ago, and now from where I sit at the Department of State, I cannot stress too much the value of the on-the-spot work carried out by our Embassies overseas in our efforts to improve aviation security. Our Ambassadors have presented our security article to the very highest levels of foreign governments; literally hundreds of visits by Embassy officers have paved the way for the FAA's trips to evaluate foreign airport security and for the Federal Air Marshal program. Likewise, while Annex 17 was being revised, Embassy officials presented Secretary Dole's letter on aviation security to foreign transportation ministers in countries on the ICAO council, made numerous demarches to senior aviation policy and security policy officials, and otherwise "kept the heat on" governments to take some concrete action in the wake of the TWA 847 hijacking.

This concludes my prepared statement; I will be pleased to address any questions you may have regarding this critical subject.

Mr. MICA. Thank you, Mr. Shane.

Mr. Scocozza, you may proceed. Am I saying that right?

Mr. SCOCOZZA. Yes, very good.

STATEMENT OF HON. MATTHEW V. SCOCOZZA, ASSISTANT SECRETARY, POLICY AND INTERNATIONAL AFFAIRS, DEPARTMENT OF TRANSPORTATION

Mr. SCOCOZZA. I would like to just preface my remarks, Mr. Chairman, by indicating that the Department of Transportation has been very active before the International Maritime Organization in London. But because the subject of this hearing is predominantly title 5 of the legislation passed last year, that is what my testimony will focus on.

If the committee would like, we would be delighted to provide a detailed background on the maritime activities that we are doing before the International Maritime Organization.

Mr. MICA. I think that would be very helpful. We just discussed with the staff before the meeting the maritime situation and I think it would be helpful. So if you would, we would appreciate that.

Mr. SCOCOZZA. I would be delighted to do that. I would like to lead off with a brief description of our plan used to assess foreign airports as required by the law. I will also address our efforts to encourage the International Civil Aviation Organization, known as ICAO, to upgrade its security standards.

[The following was submitted:]

DEPARTMENT OF TRANSPORTATION, ACTIVITIES BEFORE THE INTERNATIONAL MARITIME ORGANIZATION

Following the hijacking of the *Achille Lauro* and the brutal murder of an American citizen, the Department of State asked the Department of Transportation to lead an interagency working group on maritime security. The group's main responsibility was to oversee development of international maritime security measures, similar to those of the International Civil Aviation Organization (ICAO) for aviation, which could be used to minimize the possibility of future hijackings. Other initiatives included a survey of port and vessel security procedures at home and abroad, and an assessment of the domestic hijacking threat to the cruise line industry. The working group has representatives from DOT, DOS, USCG, U.S. Navy, MARAD, FAA, FBI, Customs, and the CIA.

The working group developed a detailed proposal which was considered by the Maritime Safety Committee of the International Maritime Organization at its January 27-February 5 meeting in London. The U.S. document was basically accepted by the MSC. Comments are due by early July and final acceptance by the IMO is expected in September.

The IMO proposal, a copy of which is attached, entails a complete maritime security system which may be employed by IMO member nations. It recommends that a Ship Security Plan provide for the inspection, screening, and security of passengers, baggage, cargo and ship stores. The purpose of the plan is to prevent the introduction of firearms, weapons and other dangerous devices onto the ship and ship embarkation areas. Also it calls for preemployment screening of all persons responsible for security. A companion Port Security Plan is included in the document.

Proposed measures in IMO's plan include international standards for security barriers, security lighting, instrusion detection systems, access control and security training. Included is a call for the establishment of a system to disseminate reports of unlawful acts against shipping to alert member nations of potential threats.

Attachment.[1]

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[1] The International Maritime Organization report on the "Decisions of IMO Bodies" appears in appendix 2.

IMPLEMENTATION OF FOREIGN AIRPORT SECURITY ACT

Mr. SCOCOZZA. With me is Mr. Richard Noble, Deputy Director of the Civil Aviation Security Office in the Federal Aviation Administration. The 1985 act expanded our responsibilities for assessing the effectiveness of security maintained at foreign airports, using at a minimum internationally accepted standards. These assessments must be made in consultation with the foreign governments involved, and with the U.S. airlines serving the international airports.

The act provides for notification if deficiencies are found, operating restrictions or suspension of service if necessary, and a semiannual summary of our assessments to Congress, and notices of emergency suspensions.

We are proud of the direct procedure we have set up to implement the act. The FAA continues to have primary responsibility for actually conducting the airport inspections and reporting the results to the Office of the Secretary. Since our last appearance before this committee, we have visited and made assessments of 50 foreign airports.

We have not found it necessary to determine that any foreign airport does not comply with the ICAO standards. We have developed a mechanism for keeping top policy officials in the FAA and the Office of the Secretary informed of assessment efforts, and those officials are informed and prepared to act on any potential problems as soon as they arise.

EFFECTS OF LEGISLATIVELY MANDATED PROCEDURES

As a result of our implementation of the new law and our added emphasis on international inspections, we are making progress in increasing security for air travelers. Our FAA inspectors have worked closely with those responsible for security at international airports, pointing out to them potential security risks, and assisting in training their security personnel.

We have seen security at a number of airports improve as airport authorities learn more about techniques for avoiding terrorist attacks.

I would like to turn now to our efforts to encourage the international aviation community to take strong action to ensure the safety and security of international aviation. As you may recall in June, Secretary Dole urged ICAO to focus its attention with greater urgency toward combating terrorism against international air transportation.

I am pleased to report that ICAO acted promptly upon all our requests. Most important, in December ICAO revised and strengthened its security standards, known as annex 17 to the Chicago Convention. Among the changes are requirements that the member nations expand preflight checks to include measures to discover weapons and other dangerous devices, insure that baggage that does not belong to any boarded passenger is either not loaded or is thoroughly inspected, and enhance other safeguards at international airports and ground facilities.

In addition, it recommended that countries include a clause on civil aviation security in their aviation agreements with other nations. The majority of the revisions of annex 17 will become effective on March 19, 1986. Secretary Dole is committed to seeing that these and other security enhancements are implemented by the international aviation community.

She personally contacted the transport ministers of our 32 fellow ICAO Council nations and urged them to support the proposed annex 17 revisions. Many countries, including the United States, have already made the changes required by annex 17 revisions.

ICAO is to be commended for the speed with which it adopted the enhanced security measures and for its continuing efforts to improve security at international airports. We will continue to monitor ICAO efforts and will be prepared to report to you on their progress from time to time.

AIRPORT EMPLOYEE SCREENING

Recent news items have focused on the need to screen airline and airport employees and contractors more thoroughly. I would like to discuss the initiatives we have taken to address this need.

On November 27, 1985, the Department announced that it is taking steps to tighten preemployment screening procedures for airport personnel. Airport and air carrier security programs were amended to require 5-year verification of employment records for persons hired after November 1, 1985, who would have unescorted access to areas restricted for security reasons.

We also concluded that additional protection could be provided the traveling public at U.S. airports by requiring employee criminal checks. The Department has submitted legislation today, Mr. Chairman, that would authorize airlines to conduct criminal background checks prior to employing persons who would have access to airport areas restricted for security reasons.

Our proposal would also make unauthorized access to airport secure areas a Federal misdemeanor or a felony under certain circumstances. We believe that such activity should be forcefully prescribed by Federal law to combat any threat of terrorist activity against civil aviation in this country. Other legislation, Mr. Chairman, that has been recommended by the administration and filed by Senator Kassebaum, is S. 1750, which increases civil penalties from $1,000 to $10,000 for noneconomic violations of the Federal Aviation Act. Both of these pieces of legislation we feel are critical and vital to the Department's implementation of the existing laws.

That concludes my prepared statement. Mr. Noble, who is with me, is prepared to respond to any specific technical questions you may have about the implementation of our responsibilities. Thank you.

[Mr. Scocozza's prepared statement follows:]

PREPARED STATEMENT OF HON. MATTHEW V. SCOCOZZA, ASSISTANT SECRETARY FOR POLICY AND INTERNATIONAL AFFAIRS, DEPARTMENT OF TRANSPORTATION

Mr. Chairman and members of the Committee, thank you for inviting me to discuss our progress in implementing Title V of the International Security and Development Cooperation Act of 1985, which was signed into law last August. I will lead off with a summary of the Act and a brief description of our plan used to assess foreign airports, as required by the law. I will also address our efforts to encourage the International Civil Aviation Organization known as ICAO, to upgrade its security standards. With me is Mr. Richard Noble, Deputy Director for the Civil Aviation Security Office, in the Federal Aviation Administration.

Under the 1985 Act, the Secretary of Transportation must assess the effectiveness of security maintained at foreign airports being served by U.S. air carriers, foreign airports from which foreign air carriers serve the United States, those foreign airports which pose a high risk of introducing danger to international air travel, and such other foreign airports as the Secretary may deem appropriate. In making an assessment of any airport the Secretary must use, at a minimum, internationally accepted standards. These assessments must be made in consultation with the foreign governments involved and with the U.S. airlines serving the international airports.

If deficiencies are found, and not remedied within 90 days, public notification must occur. Also, the Secretary is empowered, where conditions exist that threaten the safety or security of passengers, aircraft and crew, to impose operating restrictions or suspend service between the U.S. and any inadequately secured airport. We must also provide Congress with a semiannual summary of our assessments and notify you on any occasion when we invoke the public notice or emergency suspension provisions.

Even prior to enactment of the 1985 law, the FAA was very active in assessing security at foreign airports. However, those inspections often were done as an adjunct to the FAA's general responsibilities to insure the safety and security of airline operations between the United States and foreign countries. The new law has had several beneficial effects. First, it gave explicit Congressional support to FAA activities, demonstrating to the international community the strong U.S. commitment to airport security. As a result, we have had more cooperation from the international community. The interest that you and the Subcommittee are showing on this issue continues to demonstrate that commitment.

Second, the new law prompted us to take a fresh look at our procedures for reviewing the data produced by FAA airport inspection activities and expand high-level involvement within the Office of the Secretary in airport security matters. Finally, the Secretary was given new authority for specific action to deal promptly with unsafe conditions.

We are proud of the direct procedure we have set up to implement the Act. The FAA, because of its vast experience in dealing with matters of aviation security, continues to have primary responsibility for actually conducting the airport inspections and reporting the results to the Office of the Secretary. Thus far we have visited and made assessments of 50 foreign airports. We are visiting both those airports currently served by U.S. air carriers and also those which are the last point of departure for foreign air carriers prior to arrival in the United States.

The frequency of assessment of any individual airport varies as to our current threat estimates. Those airports in areas currently considered most dangerous to U.S. interests are scheduled for six assessments per year. Those considered to be least threatened are scheduled for three assessments. The number of airports in each category fluctuates as the threat estimate changes. Thus far we have not found it necessary to determine that any foreign airport does not comply with ICAO standards. We have developed a mechanism for keeping top policy officials in FAA and the Office of the Secretary informed of ongoing assessment efforts. Any reports of inadequate security will go directly to the key decision makers because we believe it is critical that our top policy officials know about and be prepared to act on any potential problems as soon as they arise.

We believe that as a result of our implementation of the new law and our added emphasis on international inspections, we are making progress in increasing security for our travellers. Our FAA inspectors have worked closely with those responsible for security at international airports, pointing out to them potential security risks and assisting in training their security personnel. We have seen security at a number of airports improve as airport authorities learn more about techniques for avoiding terrorist attacks.

I would like to turn now to our efforts to encourage the international aviation community to take strong action to insure the safety and security of international aviation. As you may recall, in June Secretary Dole addressed the International Civil

Aviation Organization. She urged ICAO to focus its attention with greater urgency toward combatting terrorism against international air transportation. Among the actions she asked ICAO to pursue were the following:

1. To review security measures as they are currently implemented by member nations with a view toward improving security at international airports;

2. To review, and where necessary, strengthen existing international airport security standards;

3. To provide a means for evaluating the level of adherence to ICAO security standards at international airports; and

4. To expand its security training program.

I am pleased to report that ICAO has been very responsive to our initiatives. ICAO adopted an initial plan of action that included each of our requests, and later adopted a more specific and formalized work program. It acted promptly upon each of the four requests, and has completed the first two.

In late August, a group of security experts appointed by the President of ICAO met in Montreal to review existing international practices and to recommend enhancements to ICAO's security standards. In December, ICAO revised and strengthened its security standards, known as Annex 17 to the Chicago Convention. Among the changes are requirements that member nations: expand preflight checks to include measures to discover weapons and other dangerous devices; ensure that baggage that does not belong to any boarded passenger is either not loaded or is thoroughly inspected; and enhance other safeguards at international airports and ground facilities. In addition, it recommended that countries include a clause on civil aviation security in their aviation agreements with other nations.

The majority of the revisions to Annex 17 will become effective on March 19, 1986. The requirement that baggage of passengers who do not report for boarding be removed from an airplane will not become effective until December of 1987.

Secretary Dole is committed to seeing that these and other security enhancements are implemented by the international aviation community. During ICAO's deliberations, she personally contacted the Transport Ministers of our 32 fellow ICAO council nations and urged them to support the proposed Annex 17 revisions. Many countries, including the United States, have already made the changes required by the Annex 17 revisions. The Secretary also contacted Dr. Assad Kotaite, the President of the ICAO Council, to reaffirm the continuing interest of the United States in her earlier proposal that ICAO provide a means to evaluate how well states are adhering to ICAO security standards.

In mid-January I met with Dr. Kotaite at the Secretary's direction. In addition to discussing the Secretary's suggestion that ICAO monitor compliance with its security standards, we explored ICAO's plan to enhance the ability of its regional offices to monitor the adequacy of security at international airports. At our meeting, Dr. Kotaite accepted my offer of U.S. support and assistance to ICAO's regional security coordinators and assured me that ICAO is continuing to pursue activities addressing a means for evaluating countries' compliance, and expanding its security training program.

ICAO is to be commended for the speed with which it adopted these enhanced security measures, and for its continuing efforts to improve security at international airports. The following items are on ICAO's current work program and relate to the Secretary's objectives:

a. Possible changes ICAO could make in its organizational approach to aviation security.

b. The formulation of standard procedures for countries to use to evaluate their own security programs.

c. Enhancement of ICAO's ability to provide technical assistance to member nations.

d. Consideration of a proposal for investigating acts of unlawful interference.

We will continue to monitor ICAO efforts and will be prepared to report to you on their progress from time to time.

Recent news items have focused on a need to screen airline and airport employees and contractors more thoroughly. I would like to discuss the initiatives we have taken to address this need. On November 27, 1985, the Department announced that it is taking steps to tighten preemployment screening procedures for airport personnel. Airport and air carrier security programs were amended to require five-year verification of employment references for persons hired after November 1, 1985, who would have unescorted access to areas restricted for security reasons.

This requirement initially caused some confusion for some airport officials, especially in terms of its application to transient contract personnel. FAA has met with industry to develop guidelines to resolve technical problems and to ensure efficient implementation of the new requirements.

We also concluded that additional protection could be provided the traveling public by requiring employee criminal checks. The Department will submit legislation that would direct airlines to conduct criminal background checks prior to employing persons who would have access to airport areas restricted for security reasons.

Our proposal would also make unauthorized access to airport secure areas a misdemeanor. However, entry with intent to commit a felony would in and of itself constitute a felony. This provision is intended to deter the unlawful circumvention of airport screening systems as well as the unauthorized penetration of secure areas on airports. We believe that such activity should be forcefully proscribed by federal law to combat any threat of terrorist activity against civil aviation in this country.

That concludes my prepared statement. Mr. Noble is prepared to discuss specific details on how the assessments are conducted and what they have revealed up to this point. As you can appreciate, some of this information is of a sensitive nature, and would be more appropriate for an executive session of the Committee. We would be pleased to respond to any questions you may have at this time.

Mr. **Mica**. Thank you, gentlemen. We appreciate you giving us that concise statement. Let me just ask a quick general question of all of you. Can you think of any airport in the United States or around the world where you would not fly because you have concerns about security?

You do not have to name it here. Yes? I would like that provided for the record and a list of any of those that you can think of that you feel—I do not think it ought to be revealed.

HIGH-RISK AIRPORTS

In the testimony last year we came across a number of airports where we had concerns. We did not want to highlight it for obvious reasons. But if you can sit here and think of airports around the world that are not safe and you personally as experts may not want to travel to them, then we would like to know about them and we would like to get them checked out as quickly as possible.

Ambassador **Borg**. Let me make a quick response. There are a number of airports around the world which may not be safe, may not have adequate security standards. But the threat at many of these is not what it is or has been in places like Athens and Rome. Most of your Third World airports do not have the sort of security that we are talking about. But they do not have the threat.

Mr. **Mica**. So you would say then that there are not any for which you have concerns? Or there might be. If you have concerns, I do not think it ought to be stated here which airports they are. We would like to know which are at the top of the threat list and which ones you think there might be some security problems with.

EXTENT OF INFORMATION GIVEN TO PILOTS

Next question. Are pilots, Civil Aviation pilots, in America or anywhere else in the world, given information that there is a problem at a given airport and that they have the option of not landing or flying that particular route when that information is not known to the Government or the country or to the public?

I am talking about what came out last year, the black star airports, where there were apparently some airports that some pilots had an option to not fly to because of security problems. I understand others had safety problems, too.

Mr. **Scocozza**. Mr. Chairman, with respect to American pilots flying to any one of what may be 180 airports throughout the world, there are no—there may be an independent private association blacklist. I believe there was a blacklist of some sort that was done by a pilot organization. But in terms of the 183 airports that we have prioritized from most important to monitor and perhaps less important to monitor, we are not aware of any advisories to any pilots that would not be a matter of public information.

Mr. **Mica**. Is the blacklist still being used?

Mr. **Scocozza**. I really do not know. We can probably provide the committee with information as to the source of some——

Mr. **Mica**. Mr. Noble, you are shaking your head. Do you have knowledge?

STATEMENT OF RICHARD NOBLE, DEPUTY DIRECTOR, CIVIL AVIATION SECURITY OFFICE, FEDERAL AVIATION ADMINISTRATION

Mr. Noble. The blacklist you are referring to is put out by ALPA, the Airline Pilots Association. I am not aware that it is currently in use.

THREAT ASSESSMENTS

Mr. Mica. It is no longer in use to your way of thinking. Let me just ask you then currently, on a worldwide basis, can you give us some indication of what you feel this threat is? Do you feel that there are certain areas that you would place on the highest level of threat and concern and have concerns over right now, as opposed to other areas?

Mr. Scocozza. As I mentioned earlier, Mr. Chairman, we have been working very closely with the Department of State, who helps us with risk assessment and threat analysis, which is not our expertise. Our expertise is the safety and security measures at the airport itself.

We have prioritized 183 airports, some of which may only receive one airplane every 3 or 4 months on a charter basis. We prioritize them in terms of risk upon guidance from the Department of State. The security checks that we do at those airports at the top of the list, is much more frequent than the security reviews we do at the bottom of the list.

So there is a priority which we could provide within a closed session or on a confidential basis. But the Department of State is really the best source for providing the committee with the actual risk and threat assessments in the individual countries.

CRITERIA USED FOR THREAT LIST

Mr. Mica. I wanted to ask you about the criteria that you use to develop that list. But I am about to run out of time. Criteria, and also are there any countries that come to mind that are not cooperating? You mentioned there was not much support for an international coordinating committee.

Are there any countries that we have approached that just have not cooperated? Then the criteria.

Ambassador Borg. We found that when we are dealing on a bilateral and strictly confidential basis we can generally get from pretty good to very good cooperation with almost every country that we have approached. Our problem on specific measures frequently comes when we are dealing in a forum where they have to stand up and appear to be counted as siding with the United States or siding with some other country they may not support on a specific issue.

At the present when we have intelligence that indicates that there is a specific problem and when we have gone to a specific country and said look, here is a problem in the field of terrorism, we think that we have to cooperate and work more closely to deal with it, we have generally found that we have been able to get pretty good cooperation.

Now, it varies. Some countries are newer in terms of the amount of time we have dealt with them on this subject. But we have found that almost everybody is at least somewhat responsive.

Mr. Mica. Thank you. I will hold my question. I see I am about out of time. Just so that my colleagues know, we will proceed with my minority member and then we have several other members who have come in and as I indicated earlier, Chairman Mineta would be with us. We are glad to have you with us here. Ms. Snowe.

SECRETARY OF TRANSPORTATION'S MANDATORY ASSESSMENTS OF SECURITY OF FOREIGN AIRPORTS

Ms. Snowe. Thank you, Mr. Chairman. Mr. Shane and Mr. Scocozza, could you tell me what is the status of the Secretary of Transportation's mandatory assessments of security of foreign airports that is required by the airport security legislation?

Mr. Scocozza. Excuse me, madam. What is the status of it?

Ms. Snowe. Yes. The Secretary of Transportation is supposed to submit a report as I understand it.

Mr. Scocozza. What is the status of the report?

Ms. Snowe. That's right.

Mr. Scocozza. It is in the draft stages. Hopefully it will be submitted to Congress within a month or two, as required.

Ms. Snowe. Can you tell me what you think, all of you for that matter, what has been the greatest obstacle in implementing this legislation. If there have been any.

Mr. Scocozza. My own observation, Congresswoman, is the difficulty of getting something done from an international standpoint. As Mr. Shane and Ambassador Borg pointed out, when you are dealing with a bilateral partner you can move a lot more quickly because it is just two parties trying to come to an agreement on a security clause on a bilateral aviation agreement.

But when there are 32 different countries sitting in a circle in ICAO, representing 142 other countries, it is so difficult just to agree on even a simple phrase. Those are the facts of life in the international community. So from the Department of Transportation's perspective, it has been successful and we are satisfied with what we have done, but it has taken a long time.

I think it has moved with lightening speed, but it has taken close to 6 months.

Ms. Snowe. For example, I notice in your testimony that you mention that the requirement that baggage of passengers who do not board the plane would be removed from the airplane. But that measure would not take effect until December 1987. Why so long?

Mr. Scocozza. That was the date that the ICAO Council felt was the soonest date by which they could comfortably get implementation of annex 17. I would make mention and I would be glad to provide information for the record about countries who have already implemented the positive baggage match.

Of the 142 nations, there are nations that could not implement those procedures before December 19, 1987. We felt from a security standpoint that it was not that major a factor. Most of the European countries—from which most of the travel to and from the

United States occurs—for all practical purposes are in the process of or have already implemented those positive baggage match procedures on a selective basis.

RECENT EGYPTIAN AIRLINE HIJACKING

Ms. **Snowe**. Well, have we determined, Ambassador Borg, how the weapons got onto the Egyptian airliner that went to Malta?

Ambassador **Borg**. As far as we know it has not been determined as yet. It is still under study.

Ms. **Snowe**. It appears to me to be a gap in security procedures that could go on, although there is no passenger to claim it. Second, I am concerned about the backward screening of airport personnel. Is that a requirement at this time for those who handle baggage that goes onto the plane?

Mr. **Scocozza**. That is one of the changes to annex 17.

Ms. **Snowe**. Has that been implemented by most of the countries?

Mr. **Scocozza**. That has been implemented by a number of countries. But it will be officially ratified by ICAO on March 19, 1986. That is one of the areas that I was telling you that was frustrating because we implemented that back in November by an emergency regulation. It was difficult to expect other nations to implement it as fast.

But we are satisfied that within the ICAO family they were able to make it an international standard by March 19, 1986. I would also mention, which is in my longer testimony but not my shorter testimony, that at ICAO, we were very successful last month, January, in getting ICAO to implement a monitoring program to see if a country was actually adhering to the standards that are being implemented.

There are seven regions throughout the world which will have the responsibility of reporting to ICAO's general council about the individual country's implementation. So if there is no passenger bag match in a critical airport or a critical country, we will know that, and we will have to act accordingly.

SCREENING OF ICAO EMPLOYEES

Ms. **Snowe**. What about the screening of ICAO personnel?

Mr. **Scocozza**. That will be part of the recommended practices in annex 17 after March 19, 1986. A lot of countries have already done it, like the United States. But after March 19, 1986, it will be an international standard.

Ms. **Snowe**. Are we constantly investigating how the weapons got onto the Egyptian airliner? What has been the progress?

Ambassador **Borg**. We do not have the results as yet. The basic standoff is between the Greeks that say it must have come onboard from Egypt, and the Egyptians who say no; it did not come onboard here, it must have happened in Greece. And we are trying to sort it out.

ALLIED RELUCTANCE TO FORMING INTERNATIONAL COORDINATING COMMITTEE

Ms. **Snowe**. Can you also explain the hesitancy, Ambassador Borg, of our allies and other nations from joining an international coordinating committee, which this committee and the Congress has determined to be one of the more effective ways we could address the issue of terrorism and our strategy to fight terrorism worldwide?

Ambassador **Borg**. Again, it comes down to the simple question of countries being prepared to band together and set up an organization that is going to effectively deal with the problem of terrorism.

There are a number of international conventions, Hague, Montreal, Tokyo, which many countries have signed. But getting countries to adhere to these conventions is another question. Likewise, we deal with the Summit Seven countries, our presumably six close allies around the world. And we have attempted to work through them on a variety of relatively simple civil aviation and other antiterrorism measures, but without great success.

They have been very, very reluctant. Last year we did not even succeed in getting the summit to issue a statement on terrorism. If there is a major terrorist incident, as there was in London before the London Summit in 1984, we get momentum and we get some action.

Unfortunately, one country in a group of seven is able to block any effective action and the others are always reluctant to say, let's do it without them. Let's cut that country out and let's try to get together and act without that state.

We are looking at the possibilities of other groupings. We have talked with countries like Belgium, Spain, the Netherlands, about closer international cooperation in a coordinating committee mechanism. But again, we are trying to bring in the Summit Seven countries also because we feel it is critical that countries like Britain, France, Germany, and Italy be included in anything that is going to be effective.

Ms. **Snowe**. Thank you.

Mr. **Mica**. Chairman Mineta.

Mr. **Mineta**.[1] Mr. Chairman, I want to thank you very much for giving us this opportunity to be part of this joint subcommittee session. I would like to also thank the Foreign Affairs Committee for their cooperation during the time we were developing this portion of the International Security and Development Cooperation Act having to do with aviation security.

NUANCES OF ICAO LANGUAGE

I would like to ask Secretary Shane, how does the ICAO model aviation security language for bilateral agreements differ from what has previously been included in most U.S. aviation agreements?

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[1] Norman Y. Mineta, a Representative in Congress from the State of California.

Mr. **Shane**. Well, it is an explicit recognition, Congressman, of obligations on the part of bilateral aviation partners to abide by the conventions that exist with respect to hijacking, sabotage, and other acts interfering with civil aviation.

It is an explicit obligation, which has not been spelled out before in so many words, to conform to the ICAO standards which are being beefed up, as Assistant Secretary Scocozza has said, in response to U.S. initiatives and the cooperation of a lot of foreign countries.

The new security article includes specific obligations rather than assumed obligations on the part of aviation partners to observe each other's security standards, and to cooperate with each other in the event of terrorism or sabotage.

And in the final analysis, in the event that that cooperation is not obtained, in the event that ICAO standards are not observed, it authorizes the parties to the bilateral aviation agreement in question to terminate services as a final measure in order to ensure the safety of their own passengers.

What it does, in short, is heighten dramatically the importance of aviation security as an element in and among the obligations undertaken by bilateral aviation partners.

DESCRIPTION OF ANNEX 17

Mr. **Mineta**. Has annex 17 ever been incorporated into any other previous agreements?

Mr. **Shane**. Annex 17 is a set of obligations that apply to those signatory states who are members of ICAO, people who have ratified the Chicago Convention. It is fair to say that all of the standards and recommended practices that ICAO has promulgated, whether they relate to aviation security, as in annex 17, or to the more traditional concerns of ICAO, aviation safety, airworthiness of aircraft, and so forth, those standards and practices have been considered by most countries to be, in effect, a lowest common denominator.

In the area of aviation security, thanks to the intervention of the United States, and thanks in particular to Secretary Dole who went to Montreal personally to make this point, that lowest common denominator has been raised dramatically. It now has teeth. It means something, particularly in the aviation security area. And therefore, incorporating those obligations into the obligations of all aviation powers around the world is a significant step.

TITLE V'S BEARING ON TRAVEL ADVISORY

Mr. **Mineta**. Since enactment of title V of the International Security and Development Cooperation Act of 1985, have there been any changes in the State Department's process for determining when travel advisories will be issued?

Ambassador **Borg**. I'm sorry. I missed the first part of the question.

Mr. **Mineta**. Since enactment of title V of the International Security and Development Cooperation Act, have there been any changes in the State Department's process for determining when travel advisories should be issued?

Ambassador Borg. There has not been any formalized change in the procedure. We are attempting to insure that travel advisories are issued whenever the situation merits such an advisory, but using as carefully constructed criteria as possible. Unfortunately, I don't have with me a representative of the Office that does the travel advisories.

Mr. Mineta. Under the act itself, as I recall, if the country has not responded to recommendations, for correcting the deficiences at an airport, you then have the obligation to issue a travel advisory for that specific airport.

Ambassador Borg. That is correct.

Mr. Mineta. Do you have some process in place to make sure that you do so?

Ambassador Borg. The process would be for the Federal Aviation Administration to notify the Department of State that it is having a problem in a particular airport and not receiving the cooperation that is necessary. And then we would move to implement a travel advisory as the legislation suggests.

Mr. Mineta. Mr. Chairman, I would like to address my question to Secretary Scocozza if there is any remaining time. Is that what that light is all about?

Mr. Mica. Without objection, we will grant our guest immunity. Please proceed.

Mr. Mineta. I appreciate that very much, Mr. Chairman, if you ever come to our Subcommittee on Aviation, the same privilege will be extended to you.

STANDARDS USED FOR SECURITY ASSESSMENTS

Mr. Secretary, I would like to ask about the FAA assessments of the effectiveness of the security at foreign airports. Under the International Security and Development Cooperation Act of 1985, the standards for the assessment are "at a minimum" the standards and recommended practices in annex 17 of the ICAO Convention.

In conducting its assessment under the 1985 law, has FAA used the ICAO standards in all cases or are there cases in which you have gone beyond the ICAO standards and used stronger standards?

Mr. Scocozza. As a general rule, Mr. Chairman, I would like to say yes; we have gone above the minimum standards where we are on advice from the Department of State that the risk in the particular countries is higher. The report that Congresswoman Snowe mentioned earlier, our biannual report about our inspections, were revealed to Congress that there are a number of airports that we found had several deficiencies in some parts. But we were able to amend them, to take care of them, before we had to start a formal consultation process.

In other words, in one particular country I remember there were three visits within a several week period. So we have discovered deficiencies in the process of our inspections. But none of them merited a serious measure that would have been taken by a travel advisory for starting the 90-day warning period as it was.

I would ask Mr. Noble if he would like to add anything to that.

Mr. **Noble**. Mr. Mineta, no. We have a procedure set up to look at airports. We start off from the basis, as Mr. Scocozza said, of the annex 17 standards and recommended practices.

Those are in fairly general language. And you have to look at each airport, depending on its size and complexity. But also as he said, in a number of airports in certain parts of the world, Europe and the Middle East for example, we have in fact insisted upon higher standards than appear as minimum standards in annex 17.

One other point. The annex 17 deals with both standards and recommended practices. The standards should certainly be adhered to in all instances. The recommended practices, as far as ICAO is concerned, are just that. But we have looked upon those as practices that we feel should be put into effect.

ROLE OF U.S. CUSTOMS AND IMMIGRATION AND NATURALIZATION SERVICE

Mr. **Mineta**. What is the current status, Secretary Scocozza, of U.S. Customs and Immigration and Naturalization Service preclearance in the various bilateral agreements now under discussion?

Mr. **Scocozza**. We are very close Mr. Chairman. Of course you are familiar with preclearance as it exists in Canada and parts of the Caribbean and the Bahamas and Bermuda I believe. We are in the process now of finalizing an agreement with Ireland. I believe as we are speaking now there are people in Ireland trying to work out the details.

That is really just one-half of a preclearance program. It will only involve the Immigration and Naturalization Service. Customs is not part of that pursuant to the Government of Ireland's request. They want to start off with the inspection of Immigration first, and if that is positive then branch out into including Customs as well on Irish soil.

To the best of my knowledge that is the country that is furthest along. There are several other countries that are interested.

Mr. **Mineta**. Mr. Chairman, I have other questions but I'll submit them to the witnesses in writing if you would keep the record open.

Mr. **Mica**. Without objection the record will be left open.[1]

Mr. **Mineta**. I appreciate very much your patience and indulgence.

Mr. **Mica**. I thank the gentleman. Let me just say we will proceed with Mr. Gilman, then Mr. Smith. Mr. Levine will then testify. We would like to ask you to stay because he has some legislation we would like to get your comment on. Mr. Gilman.

Mr. **Gilman**. Thank you, Mr. Chairman. Mr. Chairman, I want to commend you for taking up this very timely topic at this time. I hope as a result of our hearing we can encourage greater attention by all governments to this problem.

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[1] Response appears in appendix 3.

SECURING TICKET COUNTER AREAS

To our Transportation representative: There has been a great deal of debate about the feasibility of adequately securing the ticket counter areas of airports in light of what occurred in Rome and Vienna. What are your general thoughts with regard to that proposal?

Ambassador Borg. One of the great difficulties in combating terrorism is that each time we seem to move to establish effective security in one area the terrorists move on and move into new acts of terrorism in areas that we haven't previously established that security.

The Israelis and I think the Filipinos have established tough security standards for anybody entering the airport. Most other countries haven't gone that far. I would hope that we would be able to bring an end to this sort of terrorism so that it is not necessary to set up standards to prevent people from going out to airports to see family and friends off without going through security checks. But that may be something we have to turn to.

Mr. Gilman. So at this point then there is no plan to move in that direction. Is that what you're saying?

Mr. Scocozza. Congressman, the official position of the United States within the ICAO community is, if that is what is necessary to secure the airport, we would like to see the international community move in that direction even if it has to be a U.S. airport.

Mr. Gilman. Does the Convention on International Aviation take this consideration into its own standards?

Mr. Scocozza. Only beyond the ticket counter, Congressman. It is a subject for conversation, for discussion.

Mr. Gilman. Can that then be rewritten to address the question of public area security?

Mr. Shane. If I might, Congressman. In fact, the U.S. representative to ICAO has specifically made that point and it is under formal consideration now, I believe, within the ICAO Council itself.

Mr. Gilman. When will their next meeting be held to make a determination with regard to that?

Mr. Shane. Congressman, the Council is actually in session now although it is meeting in the form of the Committee on Unlawful Interference. They can transform themselves into a committee of the whole at any time and the next meeting I believe is next Monday.

Mr. Gilman. How long would it take to adopt this new Convention?

Mr. Shane. As has been indicated, it is difficult to predict in a multilateral context how fast it will be possible to get the countries that are members of the Council, all 33 of them, to join in an agreed provision. It sometimes has nothing to do with the principle underlying the provision. It often has to do with the drafting of the provision. That is why we have all experienced far greater success on a bilateral basis, where our bilateral partners, when they sit down with us, not in the glare of international publicity but in a closed room, have always agreed with us far more readily than in the open. We make far more progress on specific items of that kind in a bilateral context.

We are pursuing it therefore in both contexts and hopefully, with enough concern around the world about this very problem. it will be possible in the not too distant future to amend annex 17 further to include specific reference to this problem.

Mr. **Gilman**. I would hope you could make some progress in that direction. I think it certainly warrants some attention.

AIRPORT EMPLOYEE BACKGROUND CHECKS

Has the International Civil Aviation Organization considered requiring background checks on airport employees?

Mr. **Scocozza**. Control of personnel with access to airport secure areas is part, Congressman, of an annex 17 recommendation to look at the access to the secured areas of the airport and to determine an appropriate measure of verifying the identity of the people who will have access to those secured areas.

ICAO has worked on specific guidelines on controlling access of employees and that is in the process of being upgraded from a recommended practice to a standard. That is part of annex 17, to insure the integrity and the security of the secured areas.

DOMESTIC AIRPORT SECURITY

Mr. **Gilman**. Let me address the panel with regard to our own domestic airports. What do we do to improve the security right here at home?

Mr. **Scocozza**. Congressman, on July 11, the Secretary announced an emergency measure where ticketed passengers only would have baggage accepted. Enhanced carry-on of baggage. After they had gone through the x rays there would be a random search of some of the baggage to insure the integrity of the carry-on baggage security system.

We have discontinued curbside checking for all international flights. We have implemented a cargo program which ICAO adopted——

Mr. **Gilman**. I am sorry to interrupt you. You stopped baggage——

Mr. **Scocozza**. Curbside baggage checking.

Mr. **Gilman**. For domestic flights?

Mr. **Scocozza**. For international flights. All international flights starting from U.S. domestic airports.

Mr. **Gilman**. What about domestic baggage?

Mr **Scocozza**. There is still curbside checking for domestic flights at U.S. airports.

Mr. **Gilman**. Why the distinction?

Mr. **Scocozza**. It was the level of risk that was determined to exist with respect to an international flight as opposed to a domestic flight.

Mr. **Gilman**. Do you really feel there is that much of a difference in risk?

Mr. **Scocozza**. And of course at key domestic airports which may have exchanges of international passengers. Albeit to a domestic interior point. There will be specific and extra security measures taken with the baggage before it is put on the plane.

EFFECTS OF PROHIBITING CURBSIDE CHECK-IN

Mr. GILMAN. What have you prevented by stopping the baggage checking at the curb? What are you doing that makes it more secure?

Mr. SCOCOZZA. We have insured that a bag does not get on a plane without a ticketed passenger accompanying it, because it might have been easier for somebody getting out of a car, presenting an international ticket, present a bag and drive away. That is another reason why we say on all flights in the United States, no baggage will be accepted unless it comes from a ticketed passenger.

With respect to cargo on a passenger jet, the cargo will either be held for 24 hours before it is put on a passenger jet, or it will be visibly searched or x rayed. There will be a specific aircraft security plan to insure that the crew on board designates a security coordinator, on the plane and on the ground. Those people have been trained by the end of January 1986.

Surveillance of all employees who have access to all secured areas at U.S. domestic airports and foreign domestic airports who are working on U.S. aircraft are the subject of background searches for their employ.

Critical airports in the United States and in Europe will have extra security measures added, above and beyond the minimum prescribed by the foreign governments. In the domestic U.S. airports, as well as foreign airports.

As Congresswoman Snowe was talking about the positive passenger bag match, that will occur in certain high-risk airports, even though the home country is not a party to annex 17.

Mr. GILMAN. Under the Department's——

Mr. MICA. The gentleman's time is up.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. MICA. I grant immunity for guests. But I will give you some of my time when the next round comes up.

Mr. GILMAN. Thank you.

Mr. MICA. Mr. Smith.

Mr. SMITH of Florida. Thank you Mr. Chairman. Mr. Borg, I appreciate your comments. I read your testimony but I am a little curious. The Department of Transportation saw fit, and this is in no way to demean you—Where is Mr. Oakley.

Ambassador BORG. Mr. Oakley has a very busy schedule at this time. He had a previously scheduled hearing for today and he decided that since they had asked first that he should participate in that hearing.

CHAIN OF COMMAND AMBIGUITIES

Mr. SMITH of Florida. I heard, Ambassador Borg, that immediately after the incidents at the Rome and Vienna airports, at least five different people on the NSC claimed to be in charge of what was going on inside this country with reference to our reaction and eventual actions that were taken.

My understanding was that this kind of incident would be under the State Department and that Ambassador Oakley was supposed to be in charge. Since it has been about 2 years or a year we have really asked for a chart giving us some idea of who in fact is in charge and how the chain of command runs. Do we yet have it? Who is responsible for the immediate and thereafter long-term response, plans, actions, implementations of policy, all of the things that are supposed to come on line when there is an incident like occurred at Rome and Vienna?

Who is responsible for coordinating all of that after the President would make a decision to do something?

Ambassador Borg. Mr. Congressman, I know this has been an issue of special concern of this committee.of Florida.

Mr. Smith of Florida. That is an understatement, Mr. Borg. But at least you are kind enough to acknowledge it. Ambassador Oakley just bats his eyes when we ask that question.

Ambassador Borg. The ultimate person who is responsible when there is a terrorist incident is the President of the United States.

Mr. Smith of Florida. You are making my eyes glaze over Mr. Ambassador.

Ambassador Borg. OK. We commit forces though only upon the approval of the President of the United States.

Mr. Smith of Florida. I understand.

Ambassador Borg. The Ambassador at Large for Counter Terrorism is responsible for policy issues for coordination within the U.S. Government in our efforts to combat terrorism overseas. And he is specifically charged with developing closer bilateral and multilateral cooperation to deal with terrorism.

Now, that is a day-to-day continuing responsibility. When there is a terrorist incident of some magnitude, such as the Rome and the Vienna airport bombing, there is a meeting that is held almost instantaneously at the White House——

Mr. Smith of Florida. Other mechanisms come into play then.

Ambassador Borg. Yes, where other mechanisms come into play. Ambassador Oakley is a participant in these meetings and takes the lead in what the State Department does to follow up from these meetings. But we coordinate in this instance with the regional bureaus because they are also very much concerned.

Mr. Smith of Florida. On a day-to-day basis it is comforting to know that there is day-to-day supervision. Mr. Oakley is in charge.

Ambassador Borg. That is correct.

Mr. Smith of Florida. So he coordinates with the Department of Transportation?

Ambassador Borg. That is correct.

Mr. Smith of Florida. And therefore through with the FAA and he coordinates with everyone else.

Ambassador Borg. That is correct.

Mr. Smith of Florida. All right. Is Ambassador Oakley or yourself going to the ICAO since we have made a significant statement to them about what we would like them to do and have asked them to adopt certain new stringent and significant antiterrorist procedures?

Ambassador Borg. We have not found that it has been necessary to go to the ICAO and make the point specifically through our office because the points have been made very effectively by Secretary Dole and other representatives who participated in these meetings.

When the International Maritime Organization was first looking at the possibility of considering terrorism, we sent a representative of our office to participate in these meetings. It again was not necessary for Ambassador Oakley to go himself.

Mr. **Smith** of Florida. Are you going?

Ambassador **Borg**. To which meetings?

Mr. **Smith** of Florida. Either one. ICAO or the Maritime meetings.

Ambassador **Borg**. No, no I am not.

Mr. **Smith** of Florida. Who from the office of OTC is going?

Ambassador **Borg**. We are not sending a representative. We have a permanent representative at ICAO.

Mr. **Smith** of Florida. Who is "we"? The State Department?

Ambassador **Borg**. The State Department or the U.S. Government.

Mr. **Smith** of Florida. The State Department?

Ambassador **Borg**. The State Department I believe.

He is an ambassador accredited to the ICAO, yes.

IMPLEMENTATION OF AIR MARSHAL PROGRAM

Mr. **Smith** of Florida. OK. Just one question if I can and a quick answer. On section 553 and 557 of the International Security and Development Operation Act we passed last year, one is the Air Marshal Program, 553, and one is the research for detecting explosives, 557. Can you tell me what, if anything, we have done in both of those areas?

Mr. **Scocozza**. Congressman, if I may.

Mr. **Smith** of Florida. Yes, go ahead Mr. Scocozza. That was for anyone who knows.

Mr. **Scocozza**. From the Department of Transportation, the Federal Air Marshal Program was implemented. We started training of the new Federal Air Marshals starting on September 19. All of the training was concluded by the end of January of this year. All of the air marshals are in position and have designated itineraries and schedules for their work schedules.

Mr. **Smith** of Florida. That is an expanded program?

Mr. **Scocozza**. The expanded program. They have both responsibility on the ground and in the air in some cases.

Mr. **Smith** of Florida. How about the APA? Any problem? The Airline Pilots Association. Did we have any problem?

Mr. **Scocozza**. We have found a tremendous level of cooperation, a surprising level of cooperation, from the airlines and from foreign governments, Congressman, because there was a concern about the potential of armed representatives on the plane.

Mr. **Smith** of Florida. I know a lot of them in the FAA resented an in-Europe supervisor. We met last year and talked in August with all of the French airline and American airline people and the French authorities at the airports and the security people. And they had no idea what the sky marshal program was. They were absolutely dead set against it.

I had to explain to them for some reason that our martials don't get off our airplanes in foreign airports and walk around packing pistols. They were scared they were going to have foreign law enforcement officers walking around their airports with pistols. I hope we do a better job of communicating with them.

STATUS OF EXPLOSIVE DETECTION RESEARCH

What about the research for the explosive detection?

Mr. **Scocozza**. Yes Congressman. That was an ongoing program and we have increased the level of the research appropriations by $4 million.

Mr. **Smith** of Florida. We gave you $5 million. That's why I'm curious to know what was going on.

Mr. **Scocozza**. You authorized $5 and $4 million has been committed; $4 million has been appropriated and committed. And we find that that is an appropriate level of contribution to the R&D.

Mr. **Smith** of Florida. Can you give me some idea of what R&D is working on? Better hand-held detectors? Better metal detectors? Sensors?

Mr. **Scocozza**. In all respect Congressman, in our last testimony we asked that we had to put that in a closed session because it is security related.

Mr. **Smith** of Florida. Oh, OK. Thank you.

Mr. **Scocozza**. And we would be glad to provide you with an update of that.

Mr. **Mica**. Let me ask that you submit that for the record and we probably will have a closed session on this subject and may have some questions about it.

But before that session if you could submit that for the record we would appreciate it.

Mr. **Scocozza**. We would be delighted.

Mr. **Mica**. At this time we have our colleague from California, Congressman Levine. He is a member of the full Foreign Affairs Committee and he has introduced House Concurrent Resolution 270, which would require the State Department to issue travel advisories under certain circumstances. I would like to ask the Congressman, our colleague, to explain this bill and then we would also like to see if we have some comments from Ambassador Borg and others, on the thrust of this bill.[1]

Mr. **Levine**. Thank you Mr. Chairman. Mr. Chairman, I would like to thank you very much for giving me the opportunity to participate in this hearing and for the prompt consideration you and Chairman Fascell have given this resolution.

Let me indicate two things procedurally. First of all, I have a statement that I would just like to submit for the record so that I don't have to read the whole thing.

Mr. **Mica**. Without objection.

Mr. **Levine**. Thank you. Second, either today or tomorrow I will be reintroducing a somewhat modified version of House Concurrent Resolution 270. My staff has met with the State Department and the State Department has made several suggestions that I find to be very constructive. Let me just spell out what the modifications are because they will be among the issues that I would be interested in commentary on from your witnesses.

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[1] H. Con. Res. 270 appears in appendix 4.

DESCRIPTION OF HOUSE CONCURRENT RESOLUTION 270

The resolution as it was initially introduced in the form of House Concurrent Resolution 270 indicated that it was the sense of the Congress that the Secretary of State should issue a travel advisory warning to United States citizens of the dangers of traveling in any country in which United States citizens are attacked by terrorists supported by Libya if the government of that country fails to act immediately to require the closing of any Libyan diplomatic or trade missions in that country.

At the suggestion of the State Department we will be changing the language of the resolve clause from "should issue" to "should consider the issuance of a travel advisory or other appropriate notice warning." In addition we will be changing the language of "closing of any Libyan diplomatic or trade missions" to simply "closing of any Libyan official missions in that country."

The thrust of the resolution is essentially the same, with those suggested modifications. I introduced this initially with my colleague, Congressman Lewis from California, and now will introduce it with 23 other Members of the House on a bipartisan basis. Five of the twenty-three cosponsors are members of this committee.

This is in an effort to both warn American citizens of the prospective dangers of traveling to countries where terrorist incidents have occurred which have claimed the lives of American citizens, and where we can demonstrate that there has been a clear Libyan connection with the terrorist activity, and where the host country has not immediately closed the Libyan official missions that exist in those countries.

The purpose of it I think is very clear. It is twofold. One is to provide assistance to the President in his entirely appropriate effort to obtain as much assistance and compliance as possible from our allies with our efforts to try to isolate Mr. Qadhafi and his regime and second, to help warn American citizens of the dangers in these areas.

I found the testimony of Ambassador Borg instructive in this regard when on page 16 he indicated:

> The TWA hijacking prompted strong reactions. We issued a travel advisory for Athens. The Greeks responded angrily, especially when tourists and the New York Philharmonic cancelled their trips. But they quickly instituted the airport security standards we had proposed five months earlier.

I think that this track record is an instructive one. This resolution, with the modifications, is not mandatory. Frankly, it would not have been mandatory even before the modifications. But it does express the sense of the Congress that the State Department should consider the issuance of these travel advisories or other appropriate warnings in these particular instances.

The rest of my testimony, Mr. Chairman, will be included in the full statement. I don't think that it is essential to give you the formal statement at this time.

That summarizes the thrust of this resolution as well as the basic reasons for my having introduced it. I would be very willing to respond to questions.

I have a couple of questions of my own that I would be interested in putting to the witnesses, and particularly the State Department.

Thank you, Mr. Chairman.

Mr. SMITH of Florida. Thank you. The statement that you offered, the full statement, will be entered in the record without objection.

[Mr. Levine's statement follows:]

STATEMENT OF HON. MEL LEVINE

Chairman Fascell and Chairman Mica, I am greatful to you both for allowing me to participate in this hearing on this very important subject. I especially appreciate your willingness to include in this hearing time to discuss H. Con. Res. 270, a resolution I introduced, along with my colleague from California, Mr. Jerry Lewis, concerning travel advisories.

Since introduction of H. Con. Res. 270, my staff has met with representatives of the State Department to discuss the Department's concerns about the resolution's language. Their recommendations were incorporated into a new version of the resolution. The new resolution, which has two bipartisan cosponsors, five of whom are members of this Committee, expresses the sense of the Congress that the Secretary of State should consider the issuance of a travel advisory or other appropriate warning notice with respect to any foreign country in which Libyan-supported terrorists attack United States citizens if that country's government fails to act immediately to require the closing of any Libyan official missions in the country.

As we all know, on December 27, 1985, 12 U.S. citizens were wounded and five murdered in cold-blooded attacks at the Rome and Vienna airports. The individuals who carried out these attacks were members of the Libyan-backed Palestinian terrorist group, headed by Abu Nidal. Libyan leader Mu'ammar Qadhafi applauded and praised these attacks.

In response to these heinous attacks, President Reagan severed virtually all trade links with Libya, froze its assets in the U.S. and ordered the more than 1000 Americans working there to leave immediately. He also said that the U.S. would "not understand" if other countries moved into Libya "to take commercial advantage of our departure." In addition, he called on our NATO allies to join us in isolating Libya and its outlaw leader, Colonel Qadhafi.

However, no European country has fully endorsed President Reagan's call for total economic sanctions against Libya. In fact, our allies have been cool to leveling sanctions against Colonel Qadhafi and his country. Deputy Secretary of State Joan Whitehead was dispatched to visit nine of our NATO allies in the hope of persuading them to reduce their ties with Libya. Unfortunately, the results of his efforts were less than gratifying.

On January 8, 1986, the U.S. Department of State issued a report called "Libyan Sanctions." This report makes clear that Libyan leader Mu'ammar Qadhafi has used terrorism as one of the primary instruments of his foreign policy and that he supports radical groups which use terrorist tactices. Qadhafi's activities include threats, material support for terrorism, cooperation, economic incentives and intimidation, and military aggression. He provides logistical support for terrorist operations, such as supplying passports to the Abu Nidal members responsible for the December attack on the El Al ticket counter in Vienna.

Training for radical Palestinians and other radical elements frequently takes place in Libya. During Qadhafi's reign there have been numerous instances of Libyan-sponsored attacks against U.S. interests, and during the past 18 months Qadhafi has made public references to expanding his terrorism campaign to include U.S. targets.

The responsible international community suffers from Qadhafi's disrespect for international norms of behavior and accepted diplomatic practices. Qadhafi blatantly uses terrorist violence against political opponents and has abused diplomatic privilege for terrorist purposes, such as using Libyan embassies and diplomatic pouches for transferring and storing weapons and explosives.

Colonel Qadhafi's support for terrorist acts has clearly jeopardized the safety of U.S. citizens. It is clearly the responsibility of the U.S. Government to protect the safety of all our citizens, at all times and in all places. In addition, it is in the interest of the responsible world community to isolate Libya economically, politically and militarily to the greatest extent possible.

Yet we have not been able to get our NATO allies to join us in isolating the outlaw Qadhafi.

That is why I introduced this resolution. We simply must find a way to encourage our allies to take sanctions against the Qadhafis of the world. One way to do that is through economic incentives. U.S. tourists spend millions of U.S. dollars in foreign countries. Issuance of a travel advisory results in the loss of millions of dollars in revenues in the country for which an advisory is issued. If countries where U.S. citizens are attacked do not reduce their ties with Libya, and do not make their country safe for U.S. citizens, then it is appropriate for the U.S. government to take action to protect our own people.

This is a responsible resolution. If the U.S. Secretary of State issues travel advisories for such countries, we might see a far different response to terrorism by our allies. The U.S. issued a travel advisory for Greece last June after the TWA hijacking out to quickly overhaul the security at the airport. If the Secretary had issued travel advisories for Italy and Austria after the attacks on US citizens last June, perhaps they would feel compelled to take actions to make their countries safer.

In short, we must find a way to encourage our allies to overcome what one columnist calls "Eurocowardice" in dealing with terrorists and terrorism. We must find a way to isolate the outlaw Qadhafi from the responsible world community. This resolution, I believe, would help do that.

Again, I want to thank the Chairmen for the opportunity to participate in this hearing.

Mr. SMITH of Florida. At this time I would hope that Ambassador Borg would have some reaction or comments to this.

Have you seen the proposal Mr. Levine indicated that he has been working with the State Department on?

Ambassador BORG. Yes. He has been working with our office. We had a very fruitful session with him—or rather with the members of his staff. We are not in a position as yet to offer a comment on the part of the U.S. Government for this because we are just looking at this really for the first time today and we have not had a chance to coordinate it.

There have been many useful initiatives that have come particularly from this committee that have helped us in our fight against international terrorism. It is possible that this could be also a very useful tool as the Congressman has suggested.

We are a little bit concerned about issuing travel advisories for political reasons when we may have effective cooperation going on with countries in other areas. But as it stands, using the word "consider", it does not give the people in our office any particular problem. But again, we have not referred this to the legal people or to other agencies as yet to get their comment.

Mr. SMITH of Florida. Anyone else care to comment? Mr. Levine, you said you had some questions. Why don't you go ahead and put them now?

Mr. LEVINE. Thank you Mr. Chairman. The Ambassador has in his statement responded in a succinct fashion to most of the questions that I did have. I appreciate the cooperation of the State Department. As you know, we are trying through this resolution to be of assistance from this end in the context of an extraordinarily difficult challenge that you have.

And frankly, I feel that your Department and your Secretary has done a very, very fine job in this area and has provided the type of leadership that we need. It was and is my hope that this resolution, particularly as modified at your suggestion, will provide another arrow in your quiver and perhaps might be able to be utilized as the type of reinforcement message that might be helpful in terms of some of the conversations that you have been having with our friends.

By no means are we trying to use or suggest that you use this as a bludgeon. We want this to be optional. We want this to provide you with a maximum in flexibility. At the same time we think that the friends that we have and whose relationships we value around the globe should understand just how strongly the Congress feels as well about these issues, and that we not only support strongly your initiatives in this area but we want to offer a little bit of a prod where we can in the dual regard of both safety on the one hand and an incentive for additional cooperation on the other hand.

So I appreciate the work that we have been able to do thus far, and I am looking forward to continuing to work with you. And hopefully you will be able to support this resolution as it moves through the process.

Ambassador **Borg**. Thank you Congressman Levine.

Mr. **Levine**. Thank you.

Mr. **Smith** of Florida. If the gentleman would have a few minutes more, we will have another round. I don't know how many people have questions but I have a couple that I would like to get to.

COUNTERTERRORISM PRACTICES OF FOREIGN COUNTRIES

Mr. Ambassador, on page 2 of your statement you indicated that more countries are establishing centralized counterterrorism offices in order to better coordinate within their own government. Which countries are taking this step and has this been reflected in giving the combating of terrorism a higher priority?

Ambassador **Borg**. Let me make the general statement. One of the greatest problems we have in securing closer international cooperation is the division of responsibility over the problem that exists in most countries. The ministries of interior or justice or the different police services may each have a separate cut of the action.

For us, the United States, terrorism is largely a problem outside of our borders and it is our foreign ministry, the State Department, that has the responsibility. But when we are dealing with the local authorities, they say just a minute, you should be dealing with the foreign ministry. And we find that in many countries there is not an effective organization, an effective place to deal with the whole question.

The British and the Canadians have gone further than any of the other nations that we deal with to recognizing the international and domestic aspects of terrorism and are more organized in a coordinated manner more closely along the lines that we are in the United States.

You have been very critical particularly about how the U.S. Government is organized. Let me assure you that if you were a parliamentarian in most other countries looking at how they are organized you would probably point to the relatively better organization in the United States as a model.

In France, in Germany, among the Western countries in particular, the responsibility is very much divided.

MECHANISMS FOR INFORMATION EXCHANGE

Mr. **Smith** of Florida. Let me just say this. I went to visit last August a magistrate who complained bitterly that of all the information he develops, and you know they have an unusual role, the Italian magistrates——

Ambassador Borg. Yes, yes.

Mr. Smith of Florida. But at least within the framework of Europe, in Italy, in France, in Spain, in Belgium, in Germany and a few other places, they have counterparts. This magistrate in particular was very upset because he felt that when in dealing with the United States, he has nobody who is his peer, who is his counterpart so to speak, with whom he can trade information.

And he, this particular magistrate, indicated that he comes across enormous amounts of information that he felt he would want to move laterally because as you indicated they have a fracturing of their chain of command sometimes. He has already understood this and moves the information not up and down, but as much as he can, straight out to others who can use it outside of his own country.

And I was curious whether or not—I have been told this. I have to believe whether other people have told us that, as well. That there is this lack of organizational sameness from place to place, especially between us and the Europeans. And whether we have considered setting up some form of—we are not going to set up investigating magistrates. That is not our form of doing business, not our justice system.

But in areas like terrorism and other areas, if we had considered setting up some parallel mechanism for them to be able to deal effectively with us directly. This is a point that was made a number of times. We always talk about the frustrations we have in dealing with others. Two points I got very much so was that others have frustrations in dealing with us, and the other was that everybody hates the French. And nobody can deal with them no matter what country they are in.

But realistically, I would hope that we would be looking at some form of paralleling for the purpose, or twinning, for the purpose of obtaining the best kind of information flow that we can. For instance, this Italian magistrate cannot pick up the phone and call Ambassador Oakley or call you. He just wouldn't do that. It is not in their mechanism or within their scope of what is possible.

Nor does he want to call the FBI, if you know what I mean. There is something lacking.

Ambassador Borg. We have been acquainted with this problem ourselves. We have also had conversations with Italian magistrates who have made these same points to us. We wish that there might be similar magistrates in other countries who would like to be as forthcoming as the Italians in seeking cooperation.

We have recently established that the Department of Justice will have closer contacts through a new mechanism that they are extending from their narcotics cooperation into some of the counterterrorism areas. I don't really feel qualified to go into this in any greater detail because this is really a Department of Justice matter.

But I want to assure you that we know about this problem, we know about Italian magistrates who want to talk with somebody. And we think that this new arrangement may be able to make a difference in this field.

GREEK PARTICIPATION IN THE ATA PROGRAM

Mr. **Smith** of Florida. You mentioned that the ATA Program has been a very effective tool for strengthening dialogs. In this respect you mentioned Greece. Yet, it has been 7 months. The Greeks as of today have not begun actual ATA training. Why not? What is the delay? When can we expect them to begin the program?

Ambassador **Borg**. Let me make a specific reference to my colleague on the ATA Program. We have a number of programs that we had talked about with the Greeks. The question is getting the right people selected by the Greek Government to come and participate in the programs.

One of the continuing problems that we have had with some of the countries has been their tendency to select people who are in managerial positions to come and participate in technical courses. And when they arrive in the United States and look around at what they are learning and say hey, I am a manager. I don't want to sit and learn how to do these kinds of things.

And so we are attempting to be as strict as we can in terms of the selection of people to come for the courses.

Mr. **Smith** of Florida. Well, I understand that. But you said that our policy guideline has been strengthened. If in fact it has been strengthened aren't we capable of explaining to the Greeks that we want people who are frontline people, who are going to be the ones who are going to have to work with these tools and information we give them on a day-to-day basis?

And also, you know ATA provides for managerial. You have to have overall airport security coordinators and managers. And that is a strong point of ATA, not just how to use a hand-held metal detector. We face constantly the daily threat of something happening, another Vienna, another Rome. And everyday they expand the parameters of how they do it.

They put snipers on the roof in Rome, they put people on the tarmac. They were x raying and tagging luggage. They moved the flowerpots and the ashtray cannisters every hour, the forklifts. I have seen them do it. They have armed guards. They have done a good job, and then all of a sudden somebody comes in and decides instead of hijacking an airplane they are going to shoot up the front lobby with the ticketing. So nobody ever expected it, so it happened.

They keep expanding the parameters of what we have to be looking for. And at some point we will have to put literally a ring around the whole country, which can't be done.

But we are susceptible to having this happen to us at any time. And those countries especially in their own countries. We talk, we talk, we talk. Strengthen our policy dialogues. The Greeks are dialoging more with us than they have before.

We seem to be talking Greek with everybody. There isn't any real forward progress. I keep hearing the fact that we are implementing all these things. But nothing is happening. And when we go out and ask for cooperation it really doesn't materialize to any great degree.

Is it possible to get it? Is it possible or probable that it will be of some significance, or are we really just spinning our wheels and making grand pronouncements from the hill on high that never get implemented?

Annex 17 is a reality. It has some bearing. But it is only a document with words. It is not an implemented fact everywhere. Are we really in the final analysis going to run into the same problem every time that every country has got some other peculiar reason for copping out on what needs to be done, just like with the problem of getting even half-hearted cooperation on Libya, which hasn't happened. Except for a few countries like Canada and Italy.

Really Mr. Ambassador, where are we going? Mr. Scocozza, you deal in the mechanics of the day-to-day more than Ambassador Borg and the State Department who have to deal in the international aspects of the ethereal words on paper getting them to agree in principle that their airport shouldn't be shot up.

What is so difficult about getting countries to agree in principle that they shouldn't have their own country shot up is beyond me. And you have to deal with the implementation of those principles and the day-to-day mechanics. I am curious whether or not Mr. Borg gets all of those in principle, and I don't know that he does, whether you can really anticipate that in fact 3 or 4 years from now things are going to be a whole hell of a lot better on that. If we use the Greeks or anybody else as a model—How long, Mr. Nobel, have we been after the Greeks? How long has the FAA known that was a grade Z security airport? Ten years?

Let's be realisitic. I'm talking real honesty; 10 years, 9 years, 8 years. We are still at the point now where there is a stronger policy dialog. We are offering them everything we have to take advantage of. Mr. Scocozza, can we implement this stuff? Ambassador Borg, can we get somebody to not only agree but to let Mr. Scocozza and his people and the ATA Program to thoroughly work in those other countries?

Ambassador **Borg**. Do you want me to try first here? You make a very good point.

EFFECT OF U.S. LONG-TERM POLICY ON GREEK SECURITY

Mr. **Smith** of Florida. What our long-term policy judgment should be. Whether we are just really spinning our wheels or not.

Ambassador **Borg**. We have seen over the course of the past year—the course of the past 8 months, a gradual but dramatic change in the attitude of Greek officials toward security, particularly at their airports and particularly with reference to Middle East terrorists who transited Athens airport relatively freely in the past.

The dialog that we have established has been with some of the senior officials in the Greek Government, we are able to back up the dialog with the legislation which requires us to inspect the airports on a periodic basis and consider travel advisories if the airports don't meet the security standards.

At Athens airport it was very much a problem of attitude among the people doing security work in the past. I think I should defer to the FAA people on this. But I think they found in their inspection that there has been a change in the attitude.

Now, is this going to continue? Are we going to be able to sustain this over the long term? That is what we are trying to do and I think we have better tools now which will permit us to do this.

OVERALL IMPACT OF U.S. POLICY

Mr. SMITH of Florida. Could you give the same answer beyond Greece? Don't forget that Greece is not the only country. We are dealing with a lot of other places as well.

Ambassador BORG. Greece was the specific one that you mentioned and so I thought it was more useful to use it.

Mr. SMITH of Florida. I understand. But I am looking more toward the whole program, not just Greece that we are dealing with. The whole policy that we have, the whole effort that we have. It is being directed to more than just Greece.

Greece is a good example. But would you expand your answer to say the same about other places? Are we really having an effective policy put in place here or are we just making grand pronouncements which will never really be implemented by anybody but us?

Ambassador BORG. Again, I think that the FAA observations on changes in attitudes in Athens and perhaps in other places where they are doing their periodic inspections, permit us the tools to attempt to sustain this dialogue. Again, you have got governments changing, you have got the terrorist situation changing on a regular basis.

And the interest of a particular government fighting terrorism seems to ebb and flow with the proximity of the event unfortunately. At the moment the Greeks, the Italians, the Spaniards are very much concerned about the problem and are working very hard with us.

We have started discussions with the Belgians, the Dutch, our ties with the British and the Canadians have always been very very strong. And again, other governments lay at different places in between.

Mr. SMITH of Florida. Mr. Scocozza, what do you think?

Mr. SCOCOZZA. Congressman, before I answer the question—the question you asked earlier about the R&D I do have with me. I would be delighted to give that to you and the staff for classified insertion.

Mr. SMITH of Florida. Submit that for the record. Absolutely.

SIGNIFICANCE OF ECONOMIC FACTORS

Mr. SCOCOZZA. With respect to what Ambassador Borg was saying I would like to preface my remarks by saying that the United States is the largest tourism market in the world. Better than two-thirds of every 747 that was made touches U.S. soil. So the direction that this legislation was going in in August was the right direction.

Unfortunately, it is the economic clout that is going to convince a lot of governments that if the United States is not satisfied that the security is sufficient enough to provide direct transportation from their country to our country or through a third country, that we will literally close the aviation service off completely.

Mr. Smith of Florida. Let me stop you there. There is a vote on and I have to leave. Let me ask you this, and that is my last question. Are we prepared in fact to put in place the tools which we have given you to work with?

You gave me the exact answer I was looking for. It is a matter of what fear we put into them. It is an economic lever. That is all it was. And the reality is whether or not we are prepared to implement that policy rather than back off for fear of offending those countries for other geopolitical, economic and whatever other reasons are available to us?

USE OF U.S. ECONOMIC PRESSURE

Are you prepared for instance?

Mr. Scocozza. Absolutely.

Mr. Smith of Florida. Ambassador Borg, are you prepared?

Ambassador Borg. Yes. That's what it is all about. That's what we are doing, yes.

Mr. Smith of Florida. Mr. Shane, are you prepared?

Mr. Shane. I am certainly prepared, Congressman. But I stand between these two gentlemen in a sense. We facilitate the actual communications with foreign governments on civil aviation matters. The Department of Transportation and the FAA are responsible, of course, for the technical aspects of real security in aviation. Ambassador Borg comes from the office that manages the entire counterterrorism program for the U.S. Government. There is enormous cooperation within the Government. I perhaps have a unique vantage point because up until October I was Secretary Scocozza's Deputy up at the Department of Transportation, so I have seen the the State Department from the outside as well as from the inside. And I have seen two agencies working together. And it is inspiring as an example of Federal teamwork, particularly when we have an incident like TWA, when the Government was absolutely galvanized within days.

The President spoke, assignments were given out, the process was managed and within a matter of weeks we had an entirely new program for civil aviation security. The foreign governments that I deal with on a day-to-day basis, and we are dealing with all of them through our embassies at the same time—it is a massive outreach program, I think there has been nothing like it in the annals of our diplomatic initiatives—they are enormously cooperative. They are looking at the terrorist threat as a problem that each of them has domestically, as well as an international problem. I realize that you are short on time, but I would like to make available for the record, if I may, the communications that gone from the State Department to its embassies around the world that have basically been for the purpose of managing that outreach program.

I think if you just look at the volume of that correspondence, much of which or possibly all of which is classified, so it will have to be submitted in that form, it will demonstrate for you more clearly than anything else I can submit the nature of the program that we have on the boards right now, and the responses that we are receiving.

Mr. Smith of Florida. I think it is great. But if all of you felt that no matter what efforts we had made, we were still getting significant resistance from a country who we felt there was still a significant threat from, at what point would you be prepared to do what we need to do in order to either secure their cooperation or cut our losses with them so to speak and implement these kinds of significant sanctions?

Mr. Scocozza. As the Secretary herself has said, she is prepared to take the step to cut the aviation service off completely if it is made clear to us that there is an imminent threat. And consultations over a 90-day period would——

Mr. Smith of Florida. That is not what the law says. Wait a minute. Hold it, hold it. The law does not say that the Secretary should be willing to cut it off if there is an imminent threat. It says that if they refuse to upgrade the security based upon what we have as a model of what their security should be, then we implement. Not that there is an imminent threat.

The model may tell you that, but you don't have to make an independent determination that tomorrow there is going to be a terrorist act. We try to provide in here a standardized kind of process.

Mr. Scocozza. Perhaps I should have mentioned the Secretary's boss, under section 1114 of the act, the President, has the ability to cut service off immediately if such a threat exists.

Mr. Smith of Florida. That is correct.

Mr. Scocozza. But the Secretary is prepared, in conjunction with the Department of State under 1115 of the act, to immediately start the consultation process. And I am sure the Department of State is willing, if the risk is there, to put a travel advisory out.

I would make the observation that the countries we have dealt with since the Greek travel advisory went out have been very very careful to participate with the Department of Transportation, the Department of State, and specifically the FAA, in remedying the problems. There has been a marked change since before that travel advisory to after that travel advisory.

Mr. Smith of Florida. I understand that they are going to go along, but they are also going to hang back as much as they can. Let me just say that first of all I appreciate the fact that you all stayed and the candor of your answers. I am sure that Chairman Fascell and Chairman Mica would also like to thank you.

I will tell you that I am sure from their perspective as well as from mine, we will be continuing to follow along specific issues like this and country by country. And in 6 months or a year from now the reports have indicated significant problems that the airports need security upgrades, that American citizens are in jeopardy and that this has gone on for quite a while, there has been no significant movement to do anything and you have not made steps or taken the steps which are available to you, we are really going to be I think very upset. And that is why we are going to have that continuing overview.

You know and I know that in our capacity here and in your capacity, we are only here to eventually protect the American public. And that is the goal that we have. And if it means sometimes offending other foreign governments, I don't really care if the end result is that we make sure that Americans are protected.

I appreciate your being here today. I know the chairman does. And the record will remain open for the replies which you are going to make and any classified material will be treated as such. Thank you very much. The subcommittees stand adjourned.

[Whereupon, at 4:04 p.m., the joint subcommittees were adjourned to reconvene at 10 a.m. on Thursday, April 17, 1986.]

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TERRORISM AND TOURISM: TWA 840 BOMBING AND OVERSIGHT OF THE FOREIGN AIRPORT SECURITY ACT

THURSDAY, APRIL 17, 1986

House of Representatives, Committee on Foreign Affairs, Subcommittees on Arms Control, International Security and Science, and on International Operations; and Committee on Public Works and Transportation, Subcommittee on Aviation,
Washington, DC.

The subcommittees met jointly at 10 a.m., in room 2172, Rayburn House Office Building, Hon. Dante B. Fascell (chairman of the Committee on Foreign Affairs), presiding.

Chairman Fascell. The committees will come to order.

The Aviation Subcommittee chaired by my good friend from California, Hon. Norm Mineta, and the International Operations Subcommittee by my colleague, Dan Mica of Florida, who is on his way, and the Subcommittee on Arms Control International Security and Science, chaired by myself are meeting jointly today to continue our hearings on international terrorism the Foreign Airport Security Act. I must say that I am very proud of the cooperation that we have exhibited here between two committees of the Congress that have jurisdiction in working together to fashion very important legislation and to continue our efforts to protect the safety of the traveling American public and to assist our airline industry, and to address the concerns of international terrorism.

Today's focus is on the impact on tourism and the adequacy of foreign airport security. There is no question in anybody's mind, of course, that tourism has plummeted to some of the major tourist areas. The facts speak for themselves, with travel agencies reporting 90 percent cancellations to Europe. So, Americans are doing collectively with good judgment what governments seem unwilling to do. And they are imposing their own sanctions against governments who are unwilling to take strong action against international terrorism. In effect, they are voting on this issue with dollars.

It is obvious that we all need to work together. International terrorism is an attack, not just on the United States, but on democracy's civilized countries in general. Pilots have been complaining about the safety of airlines, passengers, and airport security for years.

One concrete suggestion that I have been advocating for some time now is a coordinating committee at the international level so that we could have in one place the political mechanism, the enforcement mechanism, the communication mechanism for all countries to, hopefully, work together and act together on this matter.

Presently, this isn't the case and we all function in an ad hoc way. It seems that without establishing another layer of bureaucracy that it would be very simple in each government to designate some person who would have the responsibility of internal coordination of that government, and then in turn be part of an international coordinating committee.

We have discussed this suggestion with many countries and their representatives, and we are going to pursue this idea and see if we cannot do something that would formalize the communication process among our allies instead of doing it ad hoc when an emergency arises.

Last year, as you all know, with our two committees we passed landmark legislation, and we do not claim, of course, that the Foreign Airport Security Act by itself will cure all of the problems and that terrorism will go away. But it does require mandatory security assessments of foreign airports, and it triggers travel advisories and other sanctions in cases where airports are deemed to have substandard security.

So, we think it's a solid start—Norm Mineta, Dan Mica and I and our colleagues. We look forward to hearing from the expert witnesses today. We will be very interested in their testimony. As far as our committees are concerned, we pledge our continued cooperation to enact whatever legislation may seem necessary and we pledge to remain vigilant in our oversignt on this important subject.

Mr. Mineta.

Mr. **Mineta**. Thank you very much, Mr. Chairman.

First of all, I want to express my appreciation to both Chairman Fascell and Chairman Mica for cooperating with us in scheduling these hearings. Last summer, our two committees worked together most effectively to pass legislation establishing the Foreign Airport Security Program. We are pleased to continue our good working relationship by conducting these oversight hearings.

The recent tragic bombing of the TWA aircraft and the increased threat of terrorism created by our confrontation with Libya make these hearings extremely timely. The hearings will allow us to consider whether existing legislation gives our Government all the authority it needs to protect our citizens against terrorism directed against aviation, and whether our Government is making good use of the legislative authority it already has.

In 1973 we passed legislation requiring the Federal Aviation Administration to establish passenger screening and other security programs at domestic airports. As I have indicated and as has already been indicated by Chairman Fascell, last summer we passed major legislation to provide increased security for U.S. passengers traveling abroad. The new legislation requires the Department of Transportation to make regular assessments of the security situation at foreign airports and to be certain that the security programs at these airports meet, at a minimum, the standards agreed to by the International Civil Aviation Organization.

If an airport refuses to develop an adequate security program, the legislation requires the Department of Transportation and the

Department of State to take steps to advise the traveling public so that passengers can be aware of the risks in travel.

The legislation also gives the Department of Transportation expanded authority to terminate the authorization for airlines to serve foreign countries whose airports do not have adequate security. In addition, our Government is permitted to take action against foreign countries which refuse to cut off service to countries with problem airports.

This new legislation has now been on the books for more than 6 months, and so this is an appropriate time to conduct oversight hearings on how the Department of Transportation and the Federal Aviation Administration are implementing the legislation and whether the legislation is adequate. The TWA bombing and the Libyan confrontation create an even greater urgency for this inquiry.

We recognize that no security system can be foolproof, but we want to be sure that we are doing as much as can be done and that what we are doing is done effectively. If there are problems which cannot be remedied, we must be certain that the public will be adequately advised of the dangers in travel.

Again, I want to commend you, Mr. Fascell, and Chairman Mica for working with us in scheduling these important and timely hearings. I want to commend our very distinguished colleague from Arkansas, the ranking Republican on the Aviation Subcommittee, Mr. John Paul Hammerschmidt, for his interest and work on this regard. And at this time let me yield to that very fine gentleman, Mr. Hammerschmidt.

Mr. HAMMERSCHMIDT. I thank my chairman for yielding and I want to also thank Chairman Fascell, Chairman Mica in joining us for these joint hearings.

As has been stated, the recent terrorist incidents raise anew many of the questions about airport security that we have been considering over the past year. As Mr. Fascell says, this has caused many travelers to abandon travel plans to the detriment of our international airlines.

The big question I suppose this morning is whether the existing security system is up to the task. Do we need to move ahead more vigorously with systems that can detect vapors from plastic explosives, for instance? Should we rely on x ray or scanning devices or more on physical hand searches? Do we need further restrictions on access to aircraft by ground workers?

These and many other questions must be addressed during this hearing; I thank the chairmen of our committees for calling this hearing and I look forward to the testimony of the witnesses here today.

Thank you very much for yielding. I thank you, Mr. Chairman.

[Mr. Hammerschmidt's statement follows:]

STATEMENT OF HON. JOHN PAUL HAMMERSCHMIDT

MR. CHAIRMAN:

WE WERE ALL SHOCKED AND ANGERED BY THE RECENT BOMBING OF TWA FLIGHT 840 THAT WAS FLYING BETWEEN ROME AND ATHENS. IT IS CLEAR THAT HIJACKING AND SABOTAGE CONTINUE TO THREATEN THE LIVES AND PROPERTY OF AMERICANS TRAVELING ABROAD. THIS, AND OTHER RECENT TERRORISTS INCIDENTS IN EUROPE, DEMONSTRATE THE NEED FOR CONTINUED STRONG SECURITY MEASURES IN THAT AREA.

AS YOU KNOW, BOTH OF OUR COMMITTEES WORKED TOGETHER LAST YEAR TO GET LEGISLATION ENACTED TO STRENGTHEN SECURITY AT FOREIGN AIRPORTS. IT IS THEREFORE QUITE APPROPRIATE THAT WE SHOULD COME TOGETHER AGAIN TO REVIEW THE EFFECTS OF THIS LEGISLATION. THE LEGISLATION REQUIRES THE DEPARTMENT OF TRANSPORTATION TO ASSESS SECURITY AT FOREIGN AIRPORTS AND DIRECTS THE GOVERNMENT TO NOTIFY PASSENGERS WHEN SECURITY AT AN AIRPORT DOES NOT AT LEAST MEET INTERNATIONAL STANDARDS.

UNFORTUNATELY, THE THREAT OF TERRORISM PERSISTS AND CONTINUES TO POSE A DANGER TO CIVIL AVIATION. THIS IS NOT TO SAY THAT THERE HAVE NOT BEEN SOME SUCCESSES. RECENT FAA REPORTS INDICATE THAT EXISTING SECURITY SYSTEMS IN THIS COUNTRY HAVE SUCCEEDED IN DETECTING HUNDREDS OF FIREARMS AND EXPLOSIVES, AND HAVE LED TO THE ARRESTS OF MANY PEOPLE INCLUDING, NO DOUBT, SOME POTENTIAL HIJACKERS AND TERRORISTS. BUT IT ONLY TAKES ONE TO GET THROUGH THE SYSTEM IN ORDER TO CAUSE A DISASTER. WE'VE SEEN THAT ALL TOO CLEARLY RECENTLY.

IT SEEMS THAT IT IS INNOCENT AMERICAN TOURISTS WHO ARE THE TARGET OF THE TERRORISTS. THIS HAS CAUSED MANY TRAVELERS TO ABANDON EUROPEAN TRAVEL PLANS TO THE DETRIMENT OF OUR INTERNATIONAL AIRLINES.

THE RECENT TERRORIST INCIDENTS RAISE ANEW MANY OF THE QUESTIONS ABOUT AIRPORT SECURITY THAT WE HAVE BEEN CONSIDERING OVER THE PAST YEAR. ARE OUR EXISTING SECURITY SYSTEMS UP TO THE TASK? DO WE NEED TO MOVE AHEAD MORE VIGOROUSLY WITH SYSTEMS THAT CAN DETECT THE VAPORS FROM PLASTIC EXPLOSIVES? SHOULD WE RELY LESS ON X-RAY OR SCANNING DEVICES AND MORE ON PHYSICAL HAND SEARCHES? DO WE NEED FURTHER RESTRICTIONS ON ACCESS TO AIRCRAFT BY GROUND WORKERS?

THESE AND OTHER QUESTIONS MUST BE ADDRESSED DURING THIS HEARING. I THANK THE CHAIRMEN OF OUR TWO COMMITTEES FOR CALLING THIS HEARING AND LOOK FORWARD TO THE TESTIMONY OF THE WITNESSES HERE TODAY.

Mr. **Mineta**. Mr. Chairman, at this time we have two very distinguished members of our Subcommittee on Aviation. Mr. Boehlert from New York wishes to make an opening statement.

Mr. **Boehlert**. Thank you, Mr. Chairman. I thank Chairman Fascell for allowing us to participate in this very important hearing.

I just want to stress that terror has been described as a frost that shall halt the flood of thinking. However, clear thinking is exactly what is needed these days. The United States simply cannot permit international terrorism to continue unchecked.

Controlling these indiscriminate acts of violence is an ongoing challenge even with the full force of international law and military strength. Therefore, we must devise a better framework for our efforts against terrorism. We must concentrate on developing superior technology to get a step ahead of the terrorist.

Creating a new generation of better detection equipment superior to existing x ray and sniffing devices is an absolute must, and we must step up cooperation between our allies, other nations, and the airline industry, which all understand the existing menace.

Finally, existing security measures here and abroad must be made even more professional. More indepth, specialized training should be required. Existing security personnel, such as sky marshals, would have their efforts redirected toward helping Government and industry fight the terrorist threat.

Mr. **Mineta**. Mr. Chairman, at this time I also would like to yield time to a very hard working member of our subcommittee from Iowa, Mr. Lightfoot.

Mr. **Lightfoot**. Thank you, Mr. Chairman. Thank you for having this hearing today and also for the witnesses who have joined us. I hope we have better luck in resolving this problem we are having with the speaker system in here.

But looking over the witness list, we recognize some of the names and organizations from hearings that we held on this subject on airport security last year. Since then Congress has passed several measures, as Mr. Mineta pointed out, to improve airport security around the world. Yet, I think the recent events that we have seen would suggest a lot more needs to be done.

Perhaps our entire idea of airport security needs to be redefined. We need to review current policy and then search for answers to some fundamental questions about how far we are willing to go to ensure that our airports and the travelers that use them are safe.

Thank you for yielding.

Chairman **Fascell**. The chairman of the International Operations Subcommittee, Dan Mica.

Mr. **Mica**. Mr. Chairman, first I would like to commend you and Chairman Mineta for joining in these hearings. Obviously, this is a very timely subject. Just this morning another situation involving, I understand, several pounds of plastics were taken from a potential terrorist boarding an El Al plane in London. This happened just in the past few hours.

This committee has done an outstanding job—the three of us—in trying to address this issue jointly, and I think that we have made some great progress.

Unfortunately, we have made some recommendations that still have not been acted upon, and I hesitate to do this, but I think it is important to say this. We recommended an international coordinating committee on terrorism at the highest levels of government. We have tried to get that committee off the ground, and unfortunately, it appears the French have been the ones who have rejected even consideration of that proposal on an international basis. And after last week's problems, it just seems to me that we really need to take a special look at our problems and our relations, see if there is anything we can do to repair it or get it on a different track.

When we cannot get economic sanctions, when we cannot get the right for a basic flyover, and when we cannot even get on the agenda the discussion of a coordinating committee on terrorism because of the objections of the French, I think there is something wrong. So, we will continue with this and do the best we can under the circumstances, and as I opened and said, I commend you for your leadership in this very important area.

Mr. **Mineta**. Mr. Chairman, may I also yield time to a very fine colleague on our Aviation Subcommittee, Congressman Rowland from Georgia?

Mr. **Rowland**. Thank you very much, Mr. Chairman. I just want to express my appreciation to you, Mr. Hammerschmidt, the other subcommittee chairman, and the chairman of the Foreign Affairs Committee for focusing on an ever present and increasing threat of terrorism, one that is always with us. And I appreciate very much this hearing.

Chairman **Fascell**. We will now hear from our expert witnesses who are here to discuss the question of terrorism and tourism, and our first witness is Capt Henry Duffy, president of the Air Line Pilots Association. Mr. Duffy, would you take a seat at the table and join us? I know you have a prepared statement. Let me thank you for cooperating with our committees on this very important subject. And if you will identify yourself and who is with you for the record, you may proceed with your statement.

STATEMENT OF HENRY A. DUFFY, PRESIDENT, AIR LINE PILOTS ASSOCIATION

Mr. **Duffy**. Thank you, Mr. Chairman. With me today is Mr. Harold Olson, a member of our engineering and air safety department.

Chairman **Fascell**. You have to tilt the mike up and talk right into it.

Mr. **Duffy**. All right. Mr. Chairman, with me today is Mr. Harold Olson, a member of our engineering and air safety department.

On behalf of the 34,000 pilots that fly for 49 airlines in this country, ALPA appreciates this opportunity to address the committee and I am very grateful for the opportunity to appear before you today. I would like to compliment you and all the members of the three subcommittees for your continued interest in airport and airline security and how we can best combat the threat that international terrorism poses to air travelers.

AIRLINES PRIME TERRORIST TARGETS

Despite all the efforts made by you and the administration in response to TWA 847 hijacking, the recent tragedy on board TWA flight 840, as well as the cold-blooded attacks on passengers at the Rome and Vienna airports, point up the fact that airlines and their passengers remain two of the most attractive targets for terrorists.

The reasons for this attraction include the following. Airlines are highly identifiable with their country. Many are government owned, and even privately owned airlines, such as TWA and Pan American, are widely considered to represent their countries; hence, the name flag carrier.

There could be as many as 400 passengers of different nationalities on a single flight. To a terrorist they make attractive victims and hostages.

The place of attack can be selected from a variety of airports taking into consideration such factors as security arrangements, proximity to destination and the political stance of the Government.

Modern aircraft cost many millions of dollars. Where else can something so valuable be destroyed so easily?

Aircraft are relatively fragile and can be disabled or destroyed with a few dollars' worth of easily obtainable materials.

One of the prime goals of terrorists is publicity. Aircraft sabotage, hijackings and attacks on airport terminals are proven worldwide attention getters.

The Air Line Pilots Association with the International Federation of Air Line Pilots Associations has been deeply involved in this area of crimes against civil aviation since the late 1960's. In fact, I have just returned from the annual IFALPA conference in London where the topics of aviation security and terrorism dominated the meeting. I will discuss our findings and our recommendations with you in just a moment.

Mr. Chairman, I am sure no one will forget the shocking events of last year's hijacking of TWA 847. This tragedy jolted the Western World into realizing that the principal threat to flight security no longer comes from confused misanthropes and homesick Cubans, but from highly trained, politically motivated terrorist groups who would willingly kill hostages and die themselves, if necessary, to make a point.

FLIGHT 840'S IMPACT ON U.S. ANTITERRORISM POLICY

Although we wish that this incident had never taken place, some benefits did result from it. We believe that the improvements in security that have been made since that time would normally have taken many years to accomplish.

Within 1 month after the TWA crisis, the FAA made three substantial emergency changes to Federal Aviation Regulation Part 108, which deals with airplane operator security. These measures dealt with the use of Federal air marshals, expanded flight security coordination and crew training, and the establishment of more stringent standards for examining passenger luggage.

In late November of last year, the FAA took further steps to enhance security by establishing new special procedures for airlines to follow with regard to baggage check-in and the shipment of cargo.

The Congress should be commended for the actions it took last year with the passage of the Foreign Assistance Act of 1985. This measure included several important provisions designed to strengthen methods of combating air piracy, both in the United States and abroad. However, much more is needed if we are to provide greater protection to the traveling public.

ALPA SECURITY RECOMMENDATIONS

First, FAA research programs must be given additional support to develop new explosive detection devices. The sooner such devices can be developed and put in place, the sooner such tragedies, such as TWA 840, can be avoided.

Second, adequate resources must be provided for the FAA's Office of Civil Aviation Security. ALPA believes that this office has done a remarkably effective and efficient job considering its limited resources. However, more is needed if it is to provide high quality and effective countermeasures and defenses to terrorist attacks on civil aviation.

This goes beyond just money. Enough people must be assigned to do the job of supervising security programs effectively. In the airport itself we need to ensure——

Chairman **Fascell**. I hate to do this, but we are having trouble with the microphones, and you are going to have to talk as close to the microphone as possible.

Mr. **Duffy**. You would think that from doing this on the airplane all the time, I would get the hang of it, wouldn't you?

Chairman **Fascell**. I apologize.

Mr. **Duffy**. This goes beyond just money. Enough people must be assigned to do the job of supervising security programs effectively. In the airport itself we need to ensure that top quality, highly motivated screening people are employed and properly trained.

Third, Mr. Chairman, more action needs to be taken by the FAA through the regulatory process to further streamline security programs. Currently, there exists a great deal of difference in the quality of security programs from airport to airport.

ALPA would also adopt the rapid adoption of the pending rule which would limit the amount and size of carry-on luggage. This would be extremely helpful in improving the effectiveness of our screening procedures.

Fourth, we would recommend that the FAA be directed to establish and maintain a meaningful training program for airline personnel and that adequate funds be appropriated to support it. The mandatory 8-hour training program required by Secretary Dole last year and conducted by the airlines was for the most part hastily prepared and carried out. Flight crews and ground personnel must be adequately trained to be a part of the whole fabric of aviation security for they can play a major role in preventing a disaster from occurring.

And fifth, we would urge the Congress to take swift and favorable action on legislation H.R. 4191 which would prohibit the manufacture and importation of weapons, such as plastic guns, which could be undetected by airport screening devices. ALPA sees no reason why this type of weapon should be allowed in this country since it would not benefit legitimate gun owners and sportsman, but would only benefit criminals and terrorists.

RECENT IFALPA ACTIONS

Let me now discuss the action taken by IFALPA. In its meeting in London this week, the Worlds Pilots' Federation prepared a resolution instructing its principal officers to call on all 60-member nations in their 60,000 pilot members to cease airline operations at any airport of a nation that promotes unlawful acts against civil aviation.

First, a boycott for 24 hours can be called against an airport operating without adequate security if the relevant authorities do not within 7 days give satisfactory commitments to rectify the security problems. If the authorities do not honor these commitments within a reasonable amount of time, the principal officers will then call on member associations to conduct a 2-day boycott of flight operations at that airport.

Second, the resolution empowers the principal officers of IFALPA to authorize a suspension of service for 14 days against any country who harbors or gives sanctuary to terrorists.

Finally, an indefinite boycott can be called against an offending nation that trains terrorists or sponsors terrorist activities. This action requires approval of IFALPA member countries.

The world's airline pilots realize that airport and airline security is only part of the overall battle against international terrorism. Boycotts against offending nations, just like selected military responses, and effective screening must be part of a carefully coordinated and fully integrated plan that raises the cost of sponsoring terrorism to such an unacceptable level that the price to be paid becomes the deterrent shield that we have sought, and finally, I have met with Lane Kirkland, president of the AFL-CIO, and with leaders of other international labor unions to enlist their support for our attempt to isolate terrorist nations and dangerous air and marine ports. Together, airline pilots and other trade unionists, through their international trade secretariats, cooperative employers and governments, will be a formidable shield in an integrated plan to deter those nations and individuals who advocate terrorism.

That concludes my remarks, Mr. Chairman. I will be glad to answer any questions despite the way this thing is working.

[Mr. Duffy's prepared statement follows:]

PREPARED STATEMENT OF HENRY A. DUFFY, PRESIDENT, AIR LINE PILOTS ASSOCIATION

Mr. Chairman, I am Captain Henry A. Duffy, President of the Air Line Pilots Association (ALPA), which represents 34,000 pilots on 49 airlines. Accompanying me is Mr. Harold Olson of our Engineering and Air Safety Department.

I am grateful for the opportunity to appear before you today and I would like to compliment you and all the members of the three subcommittees for your continued interest in airport and airline security and how we can best combat the threat that international terrorism poses for air travellers.

Despite all the efforts made by you and the Administration in response to the TWA 847 hijacking, the recent tragedy onboard TWA Flight 840 as well as the cold-blooded attacks on passengers at the Rome and Vienna Airports, point up the fact that airlines and their passengers remain two of the most attractive targets for terrorists.

The reasons for this attraction include the following:

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-- There could be as many as 400 passengers of different nationalities on a single flight. To a terrorist, they make attractive victims and hostages.

-- The place of attack can be selected from a variety of airports taking into consideration such factors as security arrangements, proximity to the destination and political stance of the government.

-- Modern aircraft cost many millions of dollars. Where else can something so valuable be destroyed or taken so easily?

-- The aircraft are relatively fragile and can be easily disabled or destroyed with a few dollars worth of easily obtainable materials.

-- One of the prime goals of terrorists is publicity. Aircraft sabotage, hijackings and attacks on airport terminals are proven world-wide attention getters.

The Air Line Pilots Association along with the International Federation of Air Line Pilots Association has been deeply involved in the area of crimes against civil aviation since the late 1960's. In fact, I have just returned from the annual IFALPA meeting in London, where the topics of aviation security and terrorism dominated our meetings. I will discuss our findings and recommendations in a moment.

Mr. Chairman, I am sure no one will forget the shocking events of last year's hijacking of TWA 847. This tragedy jolted the western world into realizing that the principal threat to flight security no longer comes from confused misanthropes and "homesick Cubans", but from highly trained, politically motivated terrorist groups who would willingly kill hostages -- and die themselves, if necessary -- to make a point.

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In late November of last year, the FAA took further steps to enhance security by establishing new special procedures for airlines to follow with regard to baggage check-in and the shipment of cargo.

The Congress is certainly to be commended for the actions it took last year with the passage of the Foreign Assistance Act of 1985. This measure included several important provisions designed to strengthen methods of combating air piracy both in the United States and abroad.

However much more is needed if we are to provide greater protection to the travelling public.

-- First, FAA research programs must be given additional support to develop new explosive detection devices. The sooner such devices can be developed and put in place, the sooner such tragedies as TWA 840 can be avoided.

-- Second, adequate resources must be provided for the FAA's Office of Civil Aviation Security. ALPA believes that this office has done a remarkably effective and efficient job considering its very limited resources. However, more is needed if it is to provide high quality and effective counter measures and defenses to terrorist attacks on civil aviation. This goes beyond just money -- enough people must be assigned to do the job of supervising security programs effectively. In the airport itself, we need to ensure that top quality, highly motivated screening people are employed and properly trained. This may mean that higher wages are needed.

-- Third, more action needs to be taken by the FAA through the regulatory process to further streamline security programs. Currently, there exists a great deal of difference in the quality of security programs from airport to airport. ALPA would also urge the rapid adoption of the pending rule which would limit the amount and size of carry-on luggage. This would be extremely helpful in improving the effectiveness of screening procedures.

-- Fourth, we would recommend that the FAA be directed to establish and maintain a meaningful training program for airline personnel, and that adequate funds be appropriated to support it. The mandatory 8-hour training program required by Secretary Dole last year and conducted by the airlines was for the most part hastily prepared and carried out. Flight crews and ground personnel must be adquately trained to be a part of the whole fabric of aviation security for they can play a major role in preventing a disaster from occurring.

-- Fifth, we would urge the Congress to take swift and favorable action on legislation, H.R. 4194 which would prohibit the manufacture and importation of weapons, such as plastic guns, which would be undetectable by airport screening devices. ALPA sees no reason why this type of weapon should be allowed in this country since it would not benefit legitimate gun owners and sportsmen but would only benefit criminals and terrorists.

Let me now discuss the action taken by IFALPA. In its meeting in London this week the World Pilots' Federation prepared a resolution instructing its principal officers to call on all 60 member associations and their 60,000 pilot members to cease airline operations at any airport of a nation that promotes unlawful acts against civil aviation. First, a boycott for 24 hours can be called against an airport operating without adequate security if the relevant authorities do not within 7 days give satisfactory commitments to rectify the security problem. If the authorities do not honor these commitments within a reasonable amount of time, the principal officers will then call on member associations to conduct a two day boycott of flight operations at the airport. Secondly, the resolution empowers the principal officers of IFALPA to authorize a suspension of service for 14 days against any country who harbors or gives sanctuary to terrorists. Finally an indefinite boycott can be called against an offending nation that trains terrorists or sponsors terrorist activities. This action requires approval by the majority of IFALPA member countries.

The world's airline pilots realize that airport and airline security is only part of the overall battle against international terrorism. Boycotts against offending nations, just like selected military responses and effective airport screening must be part of a carefully coordinated and fully integrated plan that raises the cost of sponsoring terrorism to such an unacceptable level that the price to be paid becomes the deterrent shield we have sought.

Finally, I have met with Lane Kirkland, President of the AFL-CIO, and leaders of other international labor unions to enlist their support for our attempt to isolate terrorist nations and dangerous air and marine ports. Together, airline pilots and other trade unionists, through their international trade secretariats, cooperative employers and governments, will be a formidable force in an integrated plan to deter those nations and individuals who advocate terrorism.

ALPA CONCEPTION OF GOVERNMENT'S ROLE

Chairman **Fascell**. Thank you very much, Captain.

I wonder what supportive action needs to be taken with respect to the airlines themselves, supportive for what the pilots have decided should be done. Is there anything?

Mr. **Duffy**. Mr. Chairman, one of the problems that is developing is that in the areas where we are likely to brand a nation an offending nation, if it were to be Libya, if it were to be Syria, if it were to be one of those countries, there is very little air traffic in and out of those countries, and that is why the International Federation is so vital to this because British Airways and Air France and carriers such as that do have a lot of traffic in and out of the countries.

We would ask the support of our carriers in this country that if we do have an offending nation designated, that they would cooperate in the boycott so that we are not fighting our employer as well as the offending nation.

Chairman **Fascell**. Well, that's exactly what I had in mind. Perhaps the thing for us to do then is provide some authority, if we have not already done so, simply to close down an airport as far as U.S. carriers are concerned, and close down U.S. airports to the carriers of the offending country.

Mr. **Duffy**. I think the steps that were taken in the act of last year that began to provide authority to the DOT and up through the State Department was a good first step. We're going to have to see how that works. Someone said in the opening remarks that we are about to go through a very good test of what we passed last year, and I think that is very true. I think everyone anticipates a very difficult summer. Certainly the recent military action is probably not going to do anything to diminish that, and I think we are going to get a very good opportunity to see how the rules work that we placed in effect last year.

NECESSITY OF INTERNATIONAL COOPERATION

Chairman **Fascell**. But it is quite clear, isn't it Captain, that from the standpoint of supporting the pilots that what is needed is effective international action and cooperation?

Mr. **Duffy**. I cannot stress that too strongly, Mr. Chairman. An integrated program that—we see the boycott as our piece that we can play in this. I mean it raises the cost to a country who is talking about fostering the kind of terrorism that we have seen. But that is only one piece of it.

Maybe it is a military air strike. Maybe it is the many different ways that we can respond to this type of terrorism, but it has got to be an overall program. Our little boycott will not do it on its own.

Chairman **Fascell**. Well, I can assure you that all of us on these committees will continue our efforts to secure better international cooperation and coordination. As a matter of fact, we plan on meeting with the summit seven ambassadors next week some time in order to have another opportunity to discuss this matter.

Mr. Mineta.

AUTHORITY STRUCTURE OF ALPA

Mr. MINETA. Thank you very much, Mr. Chairman.

Let me follow up on this whole issue, Captain Duffy. Now, with respect to this resolution by the International Federation of Air Line Pilots to boycott airports without adequate security, who would decide whether security at an airport is adequate? Let's say they have already met the annex 17 minimum standards as was in the Foreign Security Assistance Act. How would the persons making this decision then get their information?

Mr. DUFFY. Mr. Chairman, ultimately the decision as to if we boycott or not is going to be made by us. Now, that may sound a little pompous, but we have tried to work, as you know, very closely with our own Government to obtain information relative to the adequacy of screening at given airports.

Mr. MINETA. Well, when you say "we," do you mean the International Federation of Air Line Pilots?

Mr. DUFFY. The principal officers of the Federation are empowered to designate an airport, based on our presentation—when I say our—based on member nation presentation of fact relative to the screening devices at that airport and if the principal officers determine it to be inadequate, the boycott would go in place.

Mr. MINETA. Let me ask. If U.S. ALPA thought that security was adequate, would you be obligated to participate in that boycott?

Mr. DUFFY. Each member nation is free to act on its own behalf. I would tell you that if the principal officers of the Federation recommended to me that it was inadequate, we would listen very carefully to that and probably respond accordingly.

Mr. MINETA. I will tell you what my concern is. With respect to the proposed boycott against nations that train terrorists or sponsor terrorists activities, are you concerned that the international organization might make some politically motivated decisions to cut off service to countries that neither the U.S. Government nor the U.S. ALPA thought were promoting terrorism? Would you ask U.S. pilots to be obligated to participate in all boycotts called for by the international organization?

Let me even focus it a little more precisely. Could the International Federation decide that Israel supports terrorist activities and force a boycott of air service to Israel?

Mr. DUFFY. That is within the power of the resolution, Mr. Mineta. Let me just say that——

Mr. MINETA. Then what is the obligation of U.S. ALPA at that point, when the principal officers of the International Federation have made those determinations?

Mr. DUFFY. Each of the 60 nations can make a self-determination. We are not bound by the overall boycott resolution.

But let me say that my experience in this last week in dealing with my fellow airline pilots around the world, led me to believe that their feelings in this transcended their own individual political obligations to their nations. There is an overall concern about the threat to air transportation in the world. And while I may have my own individual feelings about the reactions of the Israeli Government, if I felt that air commerce was being affected by intercepts or force-downs or shoot-downs or whatever, despite the relationship of this Government to the Israeli Government, I would back a boycott. We cannot have interruption of the world air transportation.

There are too many ICAO rules that have been written around that whole thing. You remember our strong objections to the Russian shoot-down of KAL 7, and I think that the world's air transport has got to be immune from that type of political activity.

ASSESSMENT OF CREW TRAINING PROGRAMS

Mr. **Mineta**. Captain Duffy, last summer after the TWA hijacking, the Government decided to require increased training for aircraft crews on security, as you mentioned. And as you said, it was increased to 8 hours of training. I gather from your testimony that you are not satisfied with the training programs that have been developed, and I am wondering if you could give us some specifics on the problems that you have had.

Mr. **Duffy**. Well, the reports that our pilots gave back to us was that the hastiness of the preparation in order to meet certain deadlines was all too obvious. The majority of the program was a videotape presentation. There were some take-home study courses and that kind of thing. I think we need a little innovation in it. I think that perhaps with a little time we can—and a little thoughtfulness, the carriers can present a program to the pilots that is much more meaningful than the package that we saw.

It is too bad because it was really a very expensive package. When you take a pilot off the schedule for an 8-hour training period, it is a burden to the carriers. We would have liked for the results of the program to have been more effective.

Mr. **Mineta**. Thank you very much, Mr. Chairman.

Chairman **Fascell**. Mr. Mica.

Mr. **Mica**. Thank you, Mr. Chairman. Just a couple of brief questions.

One, I understand the airline industry is being heavily impacted by lack of travel right now. I might tell you that when we looked into the situation with Greece, we spent something like 8 or 10 months trying to negotiate agreements, and we did not get anywhere until Americans stopped traveling to Greece. And the minute the tourism dollar started to dry up, things started to change very rapidly.

ALPA REACTION TO GOVERNMENT-ENFORCED BOYCOTTS

Now, it would impose a severe burden on you, on airline employees, and airlines if Americans were called on to stop traveling to certain countries or European allies that would give some tacit support. Can you tell me how the Pilots Association would respond to proposals of that nature? And some have already advanced those.

Mr. **Duffy**. Mr. Mica, just as our own suggested boycott is going to impose a tremendous burden on our pilots, we feel so strongly about this issue, the overall issue, and the long-term interest of commerical aviation in the world, that we think whatever temporary measures that we have to take—and I do consider them temporary because I think these countries will react to that shutoff of tourism. And we are simply going to have to bear that burden in the short term because we know in the long term it is for all of our better good.

PILOTS' AWARENESS OF SECURITY PROBLEMS

Mr. **Mica**. Let me just ask another quick question, and I know there are a number of members here who would like to ask questions.

I found in dealing with a number of witnesses there is what they call professional knowledge and security information and so on, and there is common knowledge. And in the pilots' case we had a number of pilots come forward and tell us after the Greek situation, that it was common knowledge among pilots who flew into Athens airport of the major security problems. Without mentioning—I do not want you to mention any—is there common knowledge of other major facilities in Europe that have problems among your professional group?

Mr. **Duffy**. Mr. Mica, since last year's actions and since the passage of the legislation and now the increased activity on the part of the FAA, we are much more satisfied with the overall level. You know, I do not want that to sound complacent. I really do consider airport screening to be necessarily an evolutionary process because for every measure we put in place, the terrorists seem to develop another measure. And so, I think it deserves constant review.

But at this point we are reasonably satisfied with the overall levels of security.

VOTING PROCEDURE OF ALPA

Mr. **Mica**. Last quick point. Does it take a unanimous vote to invoke or a majority vote to invoke any of the sanctions that you have voted on by the entire organization?

Mr. **Duffy**. Only the latter which would be the indefinite boycott. We would take a majority vote of the——

Mr. **Mica**. That other is the board.

Thank you, Mr. Chairman.

Chairman **Fascell**. As you know, we have a lot of members here and we have a number of witnesses, so let us ask questions as direct and quickly as we can, and I know everybody will cooperate.

Now, let us see, your ranking member is next.

Mr. **Mineta**. Mr. Chairman, I call on Congressman Hammerschmidt.

Mr. **Hammerschmidt**. Thank you, Mr. Chairman.

I just have one question. First let me say we very much appreciate your testimony, Captain. Duffy.

ALPA POSITION ON DOT PROPOSED LEGISLATION

Recently, Secretary Dole submitted legislation to Congress that would provide additional security measures for the Nation's airports and travelers. This legislation would provide for criminal penalties for entering secured airport areas without authority, would require background investigations for employees having access to secure airport areas, among other things.

Has your association taken a position on this proposed legislation; furthermore, can you give the panel the benefit of your thinking on whether or not these suggestions are appropriate?

Captain **Duffy**. Mr. Hammerschmidt, we have looked at that. We think that it is a necessary area of improvement. It is just what we were saying, we think that the level of screening has to match the level of terrorist activity, and we probably are going to have to continue to escalate our security side in order to match what is being met, put up against us. Background checks for people that are going into secure areas where airplanes are parked overnight, where there is just ample opportunity for terrorist activity, I think, and probably long past due in today's environment.

It probably was not necessary 10 years or 5 years ago, but I think today it is more and more necessary.

Mr. **Hammerschmidt**. We appreciate your response. I think it is appropriate that we get the position of your association in the record at this point.

Thank you very much. Mr. Chairman.

Chairman **Fascell**. Mr. Mica.

Mr. **Mica**. Mr. Chairman, my ranking minority member. Ms. Snowe.

Ms. **Snowe**. Thank you, Mr. Chairman.

First of all, I would like to ask unanimous consent to include for the record a statement, Mr. Chairman.

Chairman **Fascell**. Without objection, so ordered.

[Ms. Snowe's statement follows:]

Statement by Hon. Olympia J. Snowe

Mr. Chairman, the tragedy of the bombing of TWA flight 840 was a shocking reminder that much that still needs to be done to make our airways secure. The recent tensions with Libya bring the possibility of increased terrorist efforts targeted against Americans. This underscores the necessity of looking into all areas of improving security. For this reason, Mr. Chairman, it is important to continue these oversight hearings on the landmark airport security legislation that you guided through Congress last year.

In addition to the recent TWA bombing, there remain two other unsolved hijackings out of Athens from last year. These three incidents emphasize the fact that all areas of airport security must be reexamined. Among them are: the adequacy of technical equipment and procedures; inspection of aircraft; control over access to aircraft between flights; and careful screening of ground personnel.

We look forward to your comments on all areas of security in airports and in aircraft around the world.

Ms. **Snowe**. Mr. Duffy, I want to congratulate you on your statement and for many of the recommendations that have been put forth by your association, because I think a lot of them move in the right direction.

IMPLEMENTING HAND-CARRIED LUGGAGE LIMITS

One of the recommendations that you have made and your association is supporting is limiting the amount of hand-carried luggage that goes onto the aircraft I am fully supportive of that recommendation. I think it is absolutely necessary.

So my first question is, What would it take to implement that recommendation; two, Is it also possible that we should require hand search of hand-carried luggage going onto the plane because of plastic explosives that cannot be detected by current technology?

Mr. Duffy. Ms. Snowe, first of all, the first part of that question, we have favored the limitation of carry-on luggage for pure safety reasons. There have been so many instances where turbulence and that sort of thing have broken loose objects inside the cabins that it created their own havoc.

Now, as we try to apply that to the security side of things, obviously the volume that the security personnel have to check is an—inhibits their ability to be thorough. And I am going to say the same thing I said to Mr. Hammerschmidt. We only want to escalate the level of security so that it matches what—becomes an effective deterrent. We do not want to be any more inconvenient to the passenger, which is our lifeblood, than we have to be.

But we think first of all they want, and I think will demand, a safe flight, and the expectancy of a safe flight, and I think if it is going to take hand search of luggage until we get the technology that perhaps is better able to detect the plastic explosives, then absolutely we would favor hand search.

Ms. Snowe. But does the FAA have to implement that recommendation, or can the airlines, at least the domestic airlines, begin to implement that recommendation?

Mr. Duffy. Well, realistically, the airlines could do it, but I think that may expect too much of the individual carriers from a competitive point of view. I think it is going to be an FAA regulatory move that applies it uniformly across the board. We do not want airlines bidding on the number of pieces you can take on board. That will become a passenger amenity.

REDUNDANCY CHECKS

Ms. Snowe. What about redundancy checks? Now, some airlines have instituted redundancy checks, one that is done at the airport and then one that is required by the airline. How many airlines have instituted that?

Mr. Duffy. I do not really know the direct answer to that. I know it is much more common overseas than in our own country, and I am going to put that in the same category as the other answers. Security is a tremendous cost item, and it is a tremendous passenger inconvenience. And if we have to go all the way to the Israeli procedure of coming 3 hours early and going through multiple checks, then that is what we must do.

I think we have got to take a slow and progressive approach to it, and keep escalating the amount of security as we see the threat develop.

Ms. Snowe. Thank you, Mr. Chairman.

Chairman Fascell. Mr. Mack.

Mr. Mack. I would just like to follow up on a couple of the comments and questions.

MATCHING EL AL SECURITY

I think the information we have this morning as to what the woman with the 6-month pregnancy, 1½ to 3-pound bags of explosives is protected.

It seems to me that their hesitation to go to that extent on regional and international flights is a mistake. It seems to me really you are going to have to take that kind of attack if you are really going to be effective. It seems like with the type of plastics that we are—or, this approach of bombing.

Mr. DUFFY. I agree, Mr. Mack. I am not one to say that we have got to have an incident happen in this country before we go to that sort of thing. I am just saying that I do not believe domestically that it would have been appropriate up to this time. We have got to carefully evaluate through our intelligence-gathering capabilities if there is an escalated threat. I mean, I think we all obviously believe there is going to be one, and absolutely ought to put those procedures in.

At an El Al screening point the fact that that was caught was probably fortuitous, because I think we all think they have the absolute top rung of security checking around the world. I think what we better look at is would that same thing have been caught coming through another carrier's checkpoint, and if it would not, then we better put those procedures in right now.

Mr. MACK. Lights and everything.

[Pause.]

Mr. DUFFY. They said terminal 1 at Heathrow, and I am not precisely sure what the check is going through that point. I can tell you that in Israel itself the level of screening is unmatched anywhere else around the world.

Mr. MACK. Thank you, Captain.

That's all I have at this time.

Thank you, Mr. Chairman.

Chairman FASCELL. Mr. Mineta, your turn.

Mr. MINETA. Mr. Chairman, I know the mikes are off, I will call on our Mr. de Lugo of the Virgin Islands.

Mr. DE LUGO. Thank you very much.

ALPA VIEWS ON AIR MARSHAL PROGRAM

I would like to ask you, Captain, what are your views on the effectiveness or desirability of an air marshal program for international flights?

Mr. DUFFY. ALPA has favored the air marshal program, and I want to be very careful in the terms that we are using. ALPA strongly opposed the old sky marshal program because we found that the personnel were inadequately trained, the coordination of those personnel with the flight crews and other security measures was completely inadequate. We felt, in effect, that there was a loose gun on the airplane, and for all of those reasons we opposed sky marshals.

The air marshal training program is of a much higher quality. We participate, as a matter of fact, in the training of these people so that they have a full understanding of the crew coordination that is necessary. We are notified and given the exact placement of these people on the airplane. They have an overriding responsibility for ground security as well as just riding on the airplane.

And so we favor the program in its present form.

EVALUATION OF AIRLINE PERSONNEL TRAINING

Mr. DE LUGO. I thank you. One more quick question about the level of training. You remarked about the security in Israel. What is your assessment of the adequacy of training in field security and screening personnel in this country?

Mr. DUFFY. I think it is very uneven, and I think that that is one place that we have got to go back and we have got to get away from this rent-a-cop type of activity, I think, and get to more long-term, better-trained people. And as I said in my statement, I think we have pretty much gotten by on minimum wage. I think we are going to have to raise the price that we pay for these people, because I think we are going to be asking them to perform more and more sophisticated screening and make judgments, that you are just going to have to pay more money to get that quality person.

Mr. DE LUGO. Thank you, Captain Duffy.

Thank you, Mr. Chairman.

Chairman FASCELL. Mr. Mica.

Mr. MICA. Mr. Chairman, Mr. Weiss, I believe, is next.

Mr. WEISS. Thank you very much, Mr. Chairman.

DANGER OF PLASTIC GUNS

Captain Duffy, I was pleased to hear you again express endorsement of the legislation we have pending to provide the Secretary of the Treasury with the authority to ban the importation and manufacture of plastic guns if they can avoid detection by standard airport screening devices. And as you know, almost the entire airline industry and its various components have come out in support of that legislation.

We have had two occasions in the last 3 weeks in which it would have been possible to get that legislation adopted by the House. Unhappily, some of the committees which do not deal with this problem specifically do not have the same sense of urgency and understanding as you do about this problem. And I would urge you if the opportunity arrises to reach out to the Judiciary Committee because we have been given indications that they will expeditiously consider the legislation. But I think a nudge from you and your colleagues would be very, very helpful in that regard.

Mr. SHAW. Would the gentleman yield to me on that point?

Mr. WEISS. I would be pleased to yield.

Mr. SHAW. We did look into this in the Crime Subcommittee of Judiciary, and we were told that the so-called plastic guns are still 60 percent metal and would be picked up in the detectors. I do not know whether that is correct or not. If that is incorrect, I for one would certainly support legislation which would ban them.

Mr. WEISS. Yes. The problem is that the state of the art, according to the people we have consulted, is such that they could manufacture plastic guns which are 100 percent plastic except for an occasional small spring which can be taken out and carried separately. And what we are trying to do is to fill the gap that currently exists between the capacity of existing devices and state of the art plastic guns which could slip by them. That is exactly what I am talking about. I think that your input into the other committees would be very, very helpful in raising their level of understanding of the seriousness of the problem.

Mr. **Shaw**. Maybe we better get ahead of the technology.

Mr. **Weiss**. Yes.

Mr. **Duffy**. Mr. Weiss, I was just going to say I think both gentlemen are right. Our understanding now is there is a mix and it probably would show up, but that the technology is there to produce something that is not detectable, and I do think we need to get out in front of it.

We are well aware of the problems with controlling handguns. I hope this is one of those things that can get above the fray.

Mr. **Weiss**. Right.

Chairman **Fascell**. All right, gentlemen, we will take a break now while we all go vote. While we are gone, you can relax while the electronic experts fix whatever it is that has to be fixed.

[Brief recess.]

REPORT ON CURRENT TERRORISM SITUATION

Chairman **Fascell**. Captain Duffy, let me just make a brief report on the current terrorism situation. All of our posts abroad have been placed on high alert, and that we have had bomb threats to embassies, consulates, and American schools abroad, that the bomb threats have gone up from 6 a day to 12 a day—that is credible bomb threats—and that there are bomb threats in virtually all regions of the world. And in the last few days we have counted 25 anti-U.S. demonstrations, et cetera.

So one way or another we have caught the attention of the world, and it looks like the situation should certainly be urgent on everybody's plate from airlines and pilots and their crews and passengers, the threat it means to all Americans everywhere. Of course, those of us here know that our people in service abroad have been on the front lines now for a long time. This is really nothing new. The severity of it might be new, but we have lost more diplomatic personnel in the last few years than we did in top military people in Vietnam, and that is a horrible comparison to make. But just to get the kind of impact for the American people to realize that for some years now—this is not new, it has been going on for a long time. The pilots have been complaining about this for years. I remember the first case of skyjacking that we were involved in and we had to change a Federal law to make airplane hijacking a Federal crime. And ever since then the pilots have been on the front line.

It seems to me a great deal of sustained attention has to be paid to the recommendations made by the pilots who are flying under this threat every day and doing their best to protect the lives of American citizens as well as themselves.

Mr. Lantos.

Mr. **Lantos**. Thank you very much, Mr. Chairman.

And let me first commend you for the leadership you have given all of us in the field of fighting terrorism.

Mr. Duffy, I would like to change the focus of our discussion. It seems to me that these issues fall into three categories. There are the technical issues, like developing better screening devices. There are the economic issues, which are basically self-executing as it comes to tourism. People stay away from places, and that gets the attention of the governments concerned. In order to have economic boycotts we need the cooperation of our friends and allies.

POLITICAL ISSUES SURROUNDING SECURITY PROBLEMS

But the fundamental issues are political issues, and it is in that arena that I find a lot of disturbing things in your testimony. So do not take these things personally, because I think you have done a fine job. But I think it is important we do not sweep some of these things under the rug.

It is my considered judgment, Captain Duffy, that members of the International Airline Pilots Association who fly for airlines in totalitarian countries are not free agents. They cannot make independent decisions if they wish to continue to fly for flag carriers of totalitarian countries.

So I would like to probe with you the issue of your resolution. You say the resolution empowers the principal officers of IFALPA to authorize the suspension of service, et cetera. What nationalities do these principal officers represent?

Mr. **DUFFY**. Mr. Lantos, the president of the International Federation is a Canadian; the deputy president is an American, a pilot for United Airlines. There is one Spanish member; there is one British member; one Australian.

I may have left one out, but I think that will give you a pretty good flavor of——

Mr. **LANTOS**. That is a very reassuring list.

IFALPA RESPONSE TO LIBYA

Now, given the composition of this body, what specific discussions were held with respect to Libya. Your meeting and the Libyan episode almost coincided?

Mr. **DUFFY**. Well, I want to stress that because it is an international body, and they do not simply do the will of the United States, even though we have more than half the world's airline pilots in our country, and we represent them.

It is a prospective action. It was to draw a line and say, from this point forward, if a member nation brings to the principal officers certain proofs of harboring terrorism and that sort of thing, that then the principal officers would act on that presentation. For that reason, I have a meeting with Ambassador Oakley tomorrow, from the State Department, in order to ask that we be brought into the information cycle, because it is going to be incumbent on us as USALPA to make a case to the principal officers. They are not going to do it simply because we say do it. We are going to have to make a case to the principal officers that a certain country is harboring terrorists, exporting terrorism, directly connect an active terrorism to a country so that we see that it's government-sponsored terrorism.

Mr. **LANTOS**. This is no longer hypothetical, but in a bipartisan fashion, the Congress is overwhelmingly in support of the action of the President against Libya. Now with that being the case, and with the evidence that you no doubt will be getting from Ambassador Oakley, how soon do you expect to take a measure to your body calling for a permanent boycott of the countries which, on the basis of irrefutable evidence, are harboring terrorists, training terrorists, exporting terrorists, and providing safe haven to terrorists?

Mr. **Duffy**. If Ambassador Oakley gives me the type of case that you are describing now, I will be in front of the principal officers before the end of next week making that case, and I think you would see a very quick flow of action toward a boycott. I want you to understand that this is the world's airline pilots, while we all have our individual feelings about a bomb in a discotheque and that type of thing, these people are going to react to incidents against civil aviation.

And so I need to bring a case against TWA-840 or a specific act against civil aviation in order to invoke their boycott action in shutting down air commerce in or out of a country.

Mr. **Lantos**. Are you suggesting that if, for instance, Libya is found to engage in terrorist acts against an American school abroad that the terrorists were flown out of Tripoli, that they are traceable to the Libyan Government, that they used an aircraft in international travel, you would not feel compelled to take that case to your body?

Mr. **Duffy**. Mr. Lantos, I might feel compelled to take it to the body, and I might invoke the action of the U.S. pilots, and very well would. As you know, since the United States pilots do not really operate in and out of Libya, that is an easy action for me. What I need is to take a case that will convince the International Federation, and it is going to take an act——

Mr. **Lantos**. Captain Duffy, I am not dealing with a peripheral issue. I want to differentiate between the two points we are dealing with.

No. 1, terrorism against an aircraft, and your testimony is you would take that to your body?

Mr. **Duffy**. Absolutely.

Mr. **Lantos**. Now my question, my second question is, What if the act of terrorism is not against an aircraft, but an aircraft was used in taking the terrorist to the scene of his crime?

Mr. **Duffy**. Regretfully, no.

Mr. **Lantos**. Why?

Mr. **Duffy**. Because it was not encompassed in the actions of the International Federation. They speak directly of acts against civil aviation. I mean, you know, I——

Mr. **Lantos**. Well, I think that is a horrendous oversight.

Mr. **Duffy**. Well, I think you need to look at what our role is in this. I mean, you know, most of us are former military pilots and might have our own, and certainly do have our own patriotic feelings about what we would like to do to some of these countries. But when you are talking about asking the pilots of Air France, for instance, to shut down—which is a national airline, nationally run airline——

Mr. **Lantos**. All we are asking them is not to be accessories to crimes. That is what we are dealing with. The crime does not have to be directed against an airplane. It can be directed against a school or an airline office or an embassy. But if the use of the aircraft is indispensable to committing that crime, it would seem to me that the airline pilots would want to put an end to that.

Mr. **Duffy**. Well, once again, Mr. Lantos, you know I have to differentiate between what my own personal feelings and the feelings of the U.S. pilots would be versus where the international community of airline pilots would be on an issue like this. And they simply do not do things because we want them to do it, and I think as the maximum action that we will be able to get from them would be in regard to an act against civil aviation.

Chairman **Fascell**. Mr. Mineta.

Mr. **Mineta**. Mr. Boehlert.

AIRLINE AND PUBLIC COOPERATION

Mr. **Boehlert**. Captain Duffy, I would like to think I am wrong, and maybe I am because of the changing mood, as a result of recent developments, but my observation is that the traveling public is more concerned with convenience than it is with safety and security.

For example, you testified strongly in support of the proposed rule deal with carry-on luggage, and it is my understanding there is an effort underway to undermine that effort.

Would you address that?

Are the airlines cooperating fully on that issue?

Mr. **Duffy**. Mr. Boehlert, let Mr. Olson respond to that.

STATEMENT OF HAROLD OLSON, ENGINEERING AND AIR SAFETY DEPARTMENT, AIR LINE PILOTS ASSOCIATION

Mr. **Olson**. Mr. Boehlert, I think that with the large number of airlines that we have in this country, that there would be a significant variance in the way that each airline would approach that issue. The carry-on baggage issue, for example, would be more important to People Express than some other airline.

So, from that, I think we need to keep that within context. Within the air carriers, there is not a total consensus on the issue.

Mr. **Boehlert**. But within ALPA, you feel very strongly about that. Am I correct?

Mr. **Olson**. Within ALPA, we feel that for both safety and security reasons that the amount of carry-on baggage should be limited.

Now, there are other organizations that also support that same perspective.

Mr. **Boehlert**. Well, I say that because I am mindful of the fact that, really, our first line of defense, in most instances, is our only line of defense, for those of us who travel. It is that initial screening we go through, and I am a frequent flyer myself. Sometimes I have seen very dedicated, committed people, extremely thorough; at other times, casual, at best.

And I am somewhat worried. I see what happens. People go into the airport. They look like Charlie Chaplin with all this luggage and everything else, and there is a long line, and the screening process is tedious. In most cases, we are dealing with people that are bored in their job, and so it is a little bit casual with all this carry-on luggage.

Mr. **Duffy**. Mr. Boehlert, let me restate that I think we have got to be fair to the carriers in this. There is a competitive aspect to this, and I think if it is going to get done, it is going to have to be through the regulatory process. The carriers themselves, I think it is unreasonable to ask them to exert their own influences on this.

Mr. **Boehlert**. Sure.

Mr. **Duffy**. And we did really get into this from the pure cabin safety aspect of it. The security problem is an additional one, but we were concerned with things flying out of overhead bins and that sort of thing in the case of turbulence.

Mr. **Boehlert**. How do we deal with the initial screening, that tedious, boring, low-paying job? How do we change things so that we can be assured that the personnel—and I think for the most part, they are very dedicated in doing the job we expect of them—that they are more alert, getting recommendations in that area?

Mr. **Duffy**. I think it has got to be training. I mean just as we in the cockpit exercise a certain cockpit discipline, I think discipline is the only thing that gets these people through those long hours of staring at that screen and trying to peer inside baggage as it goes through, and I think, you know, we are going to have to perhaps put a certain, a different type of individual in there, as they are asked to make certain profile delineations on people, maybe to a degree that we never have before.

And that is going to require a degree of judgment that we have never asked of them before, and I think—you know, you are going to have to pay them some more money.

This thing evolved through kind of a private industry type of thing, and I think the FAA is simply going to have to put more of a standardized approach to all of our security, particularly in this country.

FUNDING OF NEW SECURITY PROGRAMS

Mr. **Boehlert**. And just one last question, if I may.

With respect to new technology, research, and development commitment of dollars on the part of the Federal Government, should there be any cost sharing, or do you think it is exclusively the responsibility of the Federal Government?

Mr. **Duffy**. No, I—we have got this strong feeling about the Government's role in overall protection and safety of air commerce. I think it is properly a Government role, even in this day of deregulation. I do not think that has diminished, and I think it is incumbent on the Government, at least in the development stage of this, to fund those activities.

Now, the purchasing of the equipment, and that sort of thing is another matter; but, at least, in developing it, we have got to get on the leading edge of this, and the Government has got to do it.

Chairman **Fascell**. Mr. McCain.

Mr. **McCain**. Thank you, Mr. Chairman.

And I would like to thank you, Captain Duffy and all of the other airline pilots that are being subjected to a great deal of stress and are under constant threat in these days, particularly on international airline piloting. It is very difficult and one that I think many of the American people are very appreciative the dedication of your organization.

ARGUMENT FOR ADOPTING EL AL PROCEDURES

I would like to, if I could, just follow up just a little bit on this report that just came in. I got something off the wire on a woman who was arrested as she tried to board an El Al airplane. I think the operative and very important aspect of this story is down a ways. It said, "Police said the woman had been checked through to board El Al's flight 016 to Tel Aviv. The explosives were discovered at 9:15 a.m."

That leads me to believe that if it had been another airline besides El Al, the chances are the woman probably would have been able to get on board; and there was somewhere around 10 pounds of explosives, according to the police chief superintendent. Then, it said, "It also consisted of a device which could be timed to explode at a given time."

Again, I think that this means that we must look at what El Al is doing, and maybe adopt their procedures, not over time, but possibly immediately, particularly since we also have information today, that there are threats throughout the world against the lives of American citizens.

Would you be in agreement with that?

Mr. DUFFY. Yes, Mr. McCain.

I think this is not unlike an accident investigation. You are a former pilot. You know, you find a flaw, and then you fix it; and I think the redundancy of the El Al system, the multiple layers that you have to go through is something that we have got to gravitate toward. How far we do that simply has to be a balance between the threat and what we are able to apply in a deterrent; but I think certainly more is necessary, as indicated by everything that you are presenting here.

MAGNITUDE OF IALPA INFLUENCE

Mr. McCAIN. Well, there are a number of areas that have been discussed here already. One of them is reduction of hand luggage. Another one is better screening. Higher pay for our personnel.

Could you tell this committee exactly what influence you can exert on the FAA and the airlines themselves to bring about some of these changes which I think we are in agreement, need to be made and made quickly?

Mr. DUFFY. Well, I think—you know, our ability is only to bring the problems as we see them here, to bring them to the press. We are certainly not talking about, you know, any job actions against our own carriers at this point.

We have had a remarkably cooperative arrangement between the FAA, the carriers, and ourselves in developing this whole coordinated approach to security. The carriers are always under this tremendous economic pressure, and security, just like safety, does cost a lot of money; and I would say to you that it is going to require FAA action, regulatory action in order to uniformly lift the whole level of domestic security.

FAA AND CARRIER COOPERATION WITH IALPA

But you are satisfied with the degree of cooperation and response you are getting from both the carriers and the FAA?

Mr. DUFFY. Mr. McCain, you know, we constantly do battle with the FAA, and this is one area where we do not. It is a very satisfactory relationship.

Mr. McCAIN. Thank you.

I know of your association's concern about foreign governments imposing handling monopolies on U.S. airlines. The U.S. carrier must go through a state-sponsored agent to have the aircraft cleaned, for example. This program, in my opinion, is not a good one.

What is your organization doing at ICAO, or anyplace else at this time?

Mr. DUFFY. Well, one of the things that we are doing is to go to DOT and into the FAA Office of Civil Aviation Security, and ask, as part of the airport survey, security survey program, that they check the adequacy of the background checks that are being made. I think that is a major flaw, as we see it, that still exists out there.

And, certainly, we have the ability, through the State Department, to initiate actions to perhaps start to move Governments away from that, and let our own airlines personnel begin to conduct those types of activity as we do domestically.

It is, I think, an existing weak point in the security barrier that we have built around the world.

REDUNDANT SECURITY SYSTEMS

Mr. McCAIN. Well, I also understand that certain countries will not allow U.S. carriers to operate a redundant security system such as we are talking about at El Al, is that true?

And are you looking into that problem?

Mr. DUFFY. I would not identify that as a major problem; and I am going to generalize, because there may be some specific governments that we are having a problem with, but, in general, I believe where the carriers have wanted to establish redundancy—and pay for it, of course, that they have been allowed to do so.

Mr. McCAIN. Thank you.

Captain Duffy, I would just like to tell you that, as I mentioned in the opening, your organization has immense influence with the American people; and I would suggest that if your organization decides that there is an airport, that they feel that American citizens' safety is not guaranteed, I think that would have immense impact; and I hope you would use that influence, and use the judgment—and I know of none better than the pilots who operate in and out of those airports.

And I would strongly suggest that you do make those recommendations, if necessary to the American people without waiting for either our State Department or Department of Transportation or anybody else.

Mr. DUFFY. Mr. McCain, we will do that. We are first interested in obtaining compliance, but, if we do not get compliance, we can assure you either through a public outcry, or perhaps applying the boycott, we are going to bring it to the attention of the American public.

Mr. **McCain**. Thank you.

Thank you, Mr. Chairman.

IFALPA BOYCOTT

Chairman **Fascell**. Captain Duffy, has the boycott been discussed with the State Department?

Mr. **Duffy**. I have a meeting—yes, it has, but my first face-to-face meeting will be with Ambassador Oakley tomorrow to give him a thorough briefing. The whole time the conference was going on, I was in contact with the American Embassy; they were feeding the information back here. They have been thoroughly briefed.

It is my concern, Mr. Chairman, as I said, we are going to have to be brought into the information loop——

Chairman **Fascell**. Oh, absolutely.

Mr. **Duffy** [continuing]. Or we are not going to be effective in this.

Chairman **Fascell**. Mr. Mineta and I have not had a chance to discuss this, but I am sure that his subcommittee and mine will be very much interested in getting a common definition on a threat assessment specifically geared to airlines.

It seems to me that we cannot have agencies, over which this subcommittee has jurisdiction disagree on what the threat assessment is; and also leaving the people who are on the frontline out of the determination of that threat assessment.

So, I think it is very important to get airline pilots involved in this.

Mr. **Duffy**. We are anxious to see how the administration reacts to this. We are somewhat—we feel like the boycott is an additional weapon that can be used against the terrorist country.

However, the administration sometimes gets nervous when they do not have control of the weapon, and we want it to be an integrated response, and only be a part of an overall response to the terrorist situation.

Chairman **Fascell**. Thank you very much, Captain.

Go ahead, you are next.

Mr. **Mineta**. I know that our very fine colleague, the former chairman of this Subcommittee on Aviation has a very important function to attend to this afternoon, as chairman of the California Marine and Navigation Conference so at this time I would like to call on Congressman Anderson.

Mr. **Anderson**. Thank you, Mr. Chairman.

It started at 11:30, Norman.

INFORMATION GIVEN TO PILOTS

Captain Duffy, are flight crews advised when the U.S. Government has information that a particular aircraft or a particular airline, or a particular flight may be the target of a terrorist?

And are there any special steps that a pilot can take when they learn that their flight may be a target?

Mr. **Duffy**. Mr. Anderson, we are generally satisfied with the level of information that we get, but I have to say that it is somewhat uneven depending on the airline involved.

It depends on the internal security mechanism of the airline as to how quickly and how thoroughly that information is passed to us.

Obviously, the best situation is the one that is caught on the ground, where we do not get that call in the air, because, once we are in the air, our options, you know, are dramatically limited.

And, so, we would like to know, before the airplane departs the gate that we have got a problem. This whole area of ground coordinators that came, once again, out of our actions of last year, has been a big improvement, but that program is still kind of coming together.

But it is a direct answer to what do you do with the airplane that is sitting overnight?

Who is watching the airplane while it is sitting overnight?

And that type of thing.

And, so, getting back, directly, to your question, yes, we are advised in most cases, very adequately. We would like to see a little more uniformity in it, airline to airline; but I do not consider that a major problem at the present time.

OPTIONS AVAILABLE TO PILOT IN CRISIS

Mr. **Anderson**. Are there any steps that the pilot himself [illegible] take if he learns that—and has been told that there may be [illegible] type of a problem?

What can he do?

Mr. **Duffy**. Well, I think before the airplane departs, his ultimate weapon is not departing. You know, he must be satisfied that everything that has been done, that can be done, has been done and, as far as once he gets in the air, there are various steps relative to the altitude that he flies at and the pressurization of the cabin, and that sort of thing that I do not think that we probably should get into in a public hearing; but there are steps that the pilot can take that can relieve some of the threat of an explosive device, for instance, on an airplane.

DOT THREAT ASSESSMENTS

Mr. **Anderson**. Well, are you familiar with the steps which are taken to assure the security of aircraft when they are parked at foreign airports, where there is a high degree of terrorist threat; and are you satisfied with these procedures?

Mr. **Duffy**. Once again, I am going to give you a generalization, yes, but there are some airports where those activities are left to Government-sponsored employees, as opposed to the airlines individually sponsored employees, and that continues to be a concern to us because of what we are talking about with Mr. McCain about the ability of the Government to make the type of background checks that we feel are required—foreign governments.

Mr. **Anderson**. Under legislation that we passed last summer, the Department of Transportation is required to assess security at foreign airports and make sure that these airports meet, at a minimum, standards developed by ICAO.

Now, it is my understanding from prior hearings that the DOT has conducted assessments at all foreign airports, and that the DOT has not found any cases in which an airport security program is not meeting appropriate standards.

Now, do the pilots have any quarrel with these assessments?

Do they believe that there are foreign airports which do not have satisfactory security programs?

Mr. DUFFY. We think that the airport survey assessment program is a major improvement in our international operations. We are, for the most part, satisfied with the reports that are coming out. I think there needs to perhaps be a little more information sharing with the carriers and with the pilots on the results of those reports.

We, in fact, make our own surveys, and, independently, get our reports, and I will tell you that, as a result of 847 last year, there are no airports that we are overly alarmed about at the present time.

VARIANCE IN AIRPORT SECURITY PROGRAMS

Mr. ANDERSON. Now, your testimony states that currently there exists a great deal of difference in the quality of security programs from airport to airport.

Now, were you referring to security programs at domestic airports, or foreign airports?

And I assume you are referring to foreign airports, and I am not sure.

But, can you give us some idea of the ways in which the quality of these programs vary?

Mr. DUFFY. Actually, it varies in both international and domestic. There is a large variance in our domestic airports, I think; and that needs some specific attention.

Redundancy of screening, profile requirements—profile-checking requirements which is sometimes split between a private vendor and the airlines personnel themselves—all of those things, the degree of hand baggage check, all of those things vary immensely.

There are a couple of airports domestically that we think are substandard. We are working with the Office of Civil Aviation Security to try to upgrade. A lot of this is jawboning. I mean, a lot of it getting in there with the airport personnel and the airlines that are the principal operators in that airport and showing them what we think are deficiencies, and getting them to upgrade it.

Mr. ANDERSON. Do you also carry your complaints to DOT to get them to maybe take some steps to correct it?

Mr. DUFFY. Well, directly to FAA, because that is who we deal with; and, as I say, we have a remarkable relationship with this Office of Civil Aviation Security. We think it is the way things should operate.

Mr. ANDERSON. Thank you, Mr. Chairman.

Chairman FASCELL. Mr. Mineta.

Mr. MINETA. Dr. Rowland.

Mr. ROWLAND. Thank you, Mr. Chairman.

I have just one question.

Captain Duffy, thank you very much for your testimony.

POSSIBLE FRENCH PILOT RESPONSE TO BOYCOTT

I have been distressed about the reaction of the French Government, the cooperation of the French Government, and the lack of concern on their part in dealing with the problem of international terrorism.

Do you have a feeling about how the French pilots might react in the event of a boycott being brought about by your organization?

Mr. **Duffy**. Mr. Rowland, when we applied the boycott to the Russians after the shooting down of the Korean airliner KAL 7, the French pilots participated in that. They have a unique problem in that there are Communist pilots in the French association, flying for Air France, who, of course, would not participate in the boycott.

And so, they have leakage within their own union, but they did participate, and actually inhibited a lot of flights that Air France was trying to operate; and I would expect the same thing to exist if a boycott was applied, and I think a lot of it is going to depend on the kind of case we make.

I mean if we are able to bring irrefutable evidence and link a terrorist act against civil aviation to a country so that that country is seen to be sponsoring that type of terrorism, I mean, I think the pilots are going to take a strong reaction against it.

One other thing: One of the things that we found to be so effective in the shooting down of KAL 7 was in enlisting the support of the ground union in their refusal to service the aircraft of the national airlines serving the country where we are boycotting.

And in the case of the Russians, the refusal of the ground personnel at Heathrow Airport to fuel, clean, commissary the Aeroflot flights went a long way toward disrupting the Aeroflot schedule in and out of England.

Mr. **Rowland**. You have caused me to want to ask one more question. Did I understand you to say that there are Communist pilots flying for the French airlines?

Mr. **Duffy**. Yes.

Mr. **Rowland**. Are those Russian pilots?

Mr. **Duffy**. No, no.

Members of the French Communist Party.

Mr. **Rowland**. OK. Thank you very much.

Chairman **Fascell**. Mr. Gilman.

Mr **Gilman**. Thank you, Mr. Chairman.

PILOT ANTITERRORIST TRAINING

Captain Duffy, you touched briefly in your testimony about the limited amount of training that is given here to airport personnel and airline personnel, with regard to security; and situations involving skyjacking.

Is there any training program for the pilots themselves with regard to security or potential hijacking situations?

Mr. **Duffy**. One big improvement coming out of TWA 847 was a one-time 8-hour requirement, and I do not want to bite the hand that feeds us, but while we really appreciated the 8 hours, I think, unfortunately, the quality of the program that was put out there was not as good as it could have been.

There is a continuing annual 4-hour requirement, and that is where I would now like to concentrate our efforts, and see if we cannot get something in those programs that is really meaningful, and that gives the flight crews something that they can use in the way of tools to assist in the overall fight against terrorism.

Mr. **Gilman**. Who administers that kind of program? Who has the responsibility of seeing that it is carried out?

Mr. **Duffy**. The FAA administers it, but the air carriers themselves are the actual practitioners.

Mr. **Gilman**. Each carrier adopts its own training?

Mr. **Duffy**. There has to be an FAA-approved program.

Mr. **Gilman**. Is that adequate enough, 4 hours, or 8 hours, or whatever the——

Mr. **Duffy**. Well, I—unfortunately, in these things, we are always striking that balance between the economic problems of the airlines. I mean, you know, I think we would like to have more—the 4 hours can be adequate, in conjunction with the 8 that we have already gotten, if it is a quality 4 hours.

Mr. **Gilman**. And that has just started now, in the last month or so?

Mr. **Duffy**. It started last year, the 8-hour requirement came in; and now the 4 hours additional is an annual requirement.

Mr. **Gilman**. I would hope that we give enough attention to that area. It seems to me to be an important part in tackling this problem.

Mr. **Duffy**. Well, I think in keeping us up to date with the evolutionary aspect of this thing—I mean, obviously, the technology continues to move forward, and we have got to stay, at least, abreast of that technology and the new tactics that are being employed.

LIBYAN BOYCOTT

Mr. **Gilman**. Now, at your international meeting in London recently, was there any discussion about going into airports where Libyan air traffic lands, or uses that airport?

Mr. **Duffy**. Because we wanted this boycott resolution passed, and I mean—I understand 60 nations—we have got the Russians; we have got the whole Mideast bloc; we have got everybody. We wanted a universal resolution of boycott that we could get the great majority of support for it.

So, we purposely made this prospective, and did not try to go through all of the issues of what has happened; and, so, that we did not try to talk about what had happened to 840, or what had happened to 847, or any past incidents.

We just said, you know, obviously, it is a developing problem, and if something happens from this point on, then we will make our case and apply the boycott.

Mr. **Gilman**. Are there any steps undertaken to try to isolate the Libyan air traffic at major airports, such as Frankfurt and London, some of the other busy airports where there is regular Libyan traffic?

Mr. **Duffy**. Not at this point, and, as I say, I think, you know, we have dropped the curtain and said from this point on, we are going to take each incident and make our case to the principal officers in applying the boycott based on prospective actions.

The next thing that happens, if we are provided the information by our State Department so that we can make that case, as I told Mr. Lantos, we will be—I will be sitting in front of the principal officers, showing them why we should apply the boycott to Libya.

ADDITIONAL COMMENTS ON EL AL SECURITY

Mr. **Gilman**. One last question: fortunately, El Al has had a fairly good record up until now, and, of course, we just heard this morning about a further problem, and they were able to preempt that kind of an incident by examining the baggage very closely.

Do you feel that some of those procedures can be adopted practically, of the tight security by all of the airlines?

I went through a recent check by El Al, and they go through each piece of your luggage, and want to know where the luggage has been in the last 8 to 10 hours, and whether it has been under your control; and then, they open it all up, and examine through it to see what is in there.

Do you think that that kind of a procedure could, practically, be adopted by our airlines?

Mr. **Duffy**. I think it is going to take a tremendous education of the traveling public. They have got to know why. I mean—but I keep coming down on the side of they want a safe flight, first of all. If they understand that what they are going through is for a very good and sufficient reason, and that maybe it is not; maybe it is a short term procedure to get us by a certain time period that we are passing through, I think they will understand that.

None of us want to overreact, but we sure do not want to underreact either.

Mr. **Gilman**. So you would recommend adoption of those kind of tight procedures?

Mr. **Duffy**. Degrees of it.

You know, perhaps there is a difference in Israel. I mean it is a country surrounded by enemies to the degree that we are not.

Maybe we do not need 100 percent of those, but we certainly need something more than we have been applying in the past.

Mr. **Gilman**. Thank you, Captain Duffy.

Thank you, Mr. Chairman.

Chairman **Fascell**. Last question, Mr. Lantos.

Mr. **Lantos**. Thank you very much, Mr. Chairman.

Captain Duffy, you have been doing a great job, and all of my critical comments are not directed at you personally, but to the issue that you and I are trying to solve.

IFALPA CRITERIA FOR IMPOSING BOYCOTT

In response to my earlier questions as to whether a boycott would be declared for using aircraft to arrive at the scene of a terrorist act, you said, "No."

As I read your testimony, it contradicts your answer to me. I wonder if you could clarify what I find is a discrepancy.

You say: "Finally, an indefinite boycott can be called against an offending nation that trains terrorists or sponsors terrorist activities."

There is not a word here about aircraft. It talks about training terrorists who are sponsoring terrorist activities.

Mr. **Duffy**. Mr. Lantos, I think the problem there is that my testimony is shorthanded from the full resolution that was passed by the international——

Mr. **Lantos**. OK. Then, let me pursue the item.

You say, this action requires approval by the majority of IFALPA member countries.

Is that majority made up of nondemocratic nations?

Mr. **Duffy**. I would say, no; and I would say that I have, in my personal conversations with the representatives of the countries that were in London this last week, there is an overriding feeling except certainly countries that are directly in the Communist bloc, and have no ability to do anything——

Mr. **Lantos**. Sure

Mr. **Duffy** [continuing]. Other than what their governments are going to tell them to do, they are in a distinct minority.

In the countries that might lean toward Palestinian rights, for instance, even in those countries, we found an overwhelming sentiment that we are not going to stand, the pilots—we are not going to stand for terrorist activity.

And, so, I would be very confident in their votes to support the boycott and their actions, which are just as important to support the boycott.

Mr. **Lantos**. If I may ask a final question, Mr. Chairman.

CONDITIONS UNDER WHICH IFALPA MAY ACT

On the 14-day boycott, Captain Duffy, your statement says that you can impose that; the officers can impose that against any country which harbors or gives sanctuary to terrorists.

There is an item here, which it seems to me is missing.

In the history of terrorist acts, for instance, last summer's TWA episode at Athens, the crime of the Greek Government was not to harbor or to give sanctuary to terrorists, but to release a terrorist.

Was this issue discussed? Is it an oversight? Was it a deliberate omission?

Because it seems to me that many of us were outraged at the decision of the Greek Government to capture one of the people who hijacked the TWA airliner, and then to release him in exchange for a private deal for letting Greek citizens go free, while American citizens were kept as hostages.

Mr. **Duffy**. Mr. Lantos, we are—I know everything that you would like for us to do. This is a body of pilots who come together to solve our problems, primarily as pilots; and some of the delineation and some of the fineness of what you are talking about gives our own State Department and certainly United Nations and certainly ICAO tremendous problems.

Where there are clear cases, there will be no problem in the international federation reacting. Where it becomes more gray, and we are less able to clearly present our case because in order to be effective, we really do have to convince the great majority of these pilot associations that there are clear acts involved here of terrorism.

Where we are able to do that, I have no question about our effectiveness. Some of the more subtle things, admittedly, are going to be more difficult for us to prove.

Mr. Lantos. Thank you, Mr. Chairman.

Thank you, Captain Duffy.

Chairman Fascell. Without objection, we will include in the record at this point an abstract of ALPA's resolution on airport boycott, unless you have got a copy of the original text that you can make available to us.

Mr. Duffy. We will try to supplement what is already in front of you.[1]

Chairman Fascell. All right.

Now, Captain Duffy, and Mr. Olson, thank you very much. We appreciate your contribution and your continuing concern on this very important matter.

Mr. Duffy. Thank you, Mr. Chairman.

Mr. Olson. Thank you, sir.

Chairman Fascell. Now, if we could have the rest of our witnesses up at the table. We would like to have Mr. Richard Lally, director of security, Air Transport Association;

Mr. John Steele, corporate director of security, Trans World Airlines?

Mr. Joseph Hallissey, chairman and chief executive officer, American Society of Travel Agents.

Gentlemen, all of you have been very patient. We appreciate that. It is an important subject. You are making a vital contribution to the record for us here, discussing this matter and acting on it, on behalf of the American people.

We are grateful to you.

So, we would like to hear the statements if we can, that each of you has; and then we will turn to questioning.

Mr. Lally, I know you have a prepared statement. Why do you not lead off?

Mr. Lally. Thank you, Mr. Chairman.

STATEMENT OF RICHARD F. LALLY, ASSISTANT VICE PRESIDENT OF SECURITY, AIR TRANSPORT ASSOCIATION

Mr. Lally. I am Richard Lally.

I am assistant vice president of security for the Air Transport Association, the trade and service organization of the U.S. scheduled airlines.

I am accompanied by John H. Steele, director of security for Trans World Airlines.

The airlines belonging to ATA account for more than 90 percent of the total revenue passenger miles produced by U.S.-scheduled air carriers, for more than 95 percent of the air freight ton miles, and for the transportation of most intercity first-class letters. ATA member air carriers fly to 430 airports in the United States and to more than 70 other countries.

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[1] The ALPA resolution on airport boycott appears in the appendix.

Our industry appreciates the opportunity to participate in these hearings on terrorism and airport security. The fact that the hearings are taking place before members of three subcommittees attests to the importance Congress places on countering terrorism. So does the Nation's airline industry.

Safety and security are closely linked and are of paramount concern to the airline industry. Consistent with this concern, the ATA board of directors, at a meeting just last month, approved a safety agenda identifying some significant work efforts of the industry over the near and the long term. Security is a specific and integral part of that work plan.

STEPPED UP SECURITY MEASURES

The nation's airlines, since 1973, have had in force one of the most comprehensive and effective security programs in the world. It was back then that the industry began to screen all passengers and their carry-on bags. Many said that it could not be done. There were too many people and too many bags involved.

Now, today, the airlines screen more than 1 million passengers a day. They are likely to screen more than 400 million before the year is out. Some 5.6 million flights will be involved.

Airline passengers will check more than 550 million pieces of luggage to move in airline baggage compartments. They will carry aboard another 370 million pieces of baggage that will be screened by x ray and physical search in some cases. This is in addition to all the purses and briefcases that will be inspected.

New and more stringent security measures involving people, baggage and cargo went into effect following the hijacking of TWA Flight 847 on June 14, 1985. Even tighter security controls, this time directed to aircraft protection and access have gone into effect since the explosion aboard a U.S. jetliner to Athens on April 2.

U.S. AIRLINE SAFETY RECORD

The U.S. airlines' safety record has been good. There were only five U.S. airline hijackings during 1984 and only four in 1985. That is the lowest annual record since 1976. So far in 1986, two hijackings were attempted against U.S. airlines. Both were unsuccessful. The bomb explosion of April 2 was the first involving a U.S. airline since 1982.

By way of perspective, there is a temptation to compare safety aboard airlines with safety on our highways where some 50,000 people die each year, or with the heavy frequency of accidents in the home.

Such a temptation, however, should be resisted. The public has come to expect extraordinarily high standards of safety and security in air transportation. It is part of the U.S. airline industry's heritage, and we are working for the best record possible.

SHARED RESPONSIBILITY FOR COUNTERING TERRORISM

In the efforts to combat terrorism, it must be noted that a private industry such as the airlines has only part of the responsibility. The major responsibility falls to government.

This is particularly true when terrorism is directed against an entire country or government, and the specific target, be it an aircraft or some other instrument, is selected only because it represents the country involved. This has been the case in recent incidents.

The U.S. Government pursues vigorous efforts against terrorism. And here, I wish to note that in counterterrorism efforts and in other aspects of security, the cooperation that exists between the Nation's Government and the Nation's airlines has been excellent.

The machinery of the Government and the airlines to combat and to react to terrorism was strengthened by enactment last year of the International Security and Development Cooperation Act of 1985.

Some of the elements provided under title V of that act include a framework for U.S. antiterrorism assistance to other nations, establishment of security standards for foreign air transportation, assessment of the effectiveness of security at foreign airports, notice to foreign governments of security deficiencies and necessary corrective actions, the posting and publicizing of security-deficient airports and advice to air travelers when conditions warrant, and ultimately, the imposition of sanctions if necessary security improvements are not made.

IMPORTANCE OF INTERNATIONAL COOPERATION

This legislation was a good step, but the fact that it is in place should not be permitted to overshadow an important truism concerning efforts to defeat international terrrorism.

One nation, no matter which nation, cannot do the job alone. Acts of terrorism are really crimes against the world. The ultimate answer must be found in joint actions by the world community of nations.

The International Civil Aviation Organization, we believe should be given increased authority to enforce the best possible security standards at airports worldwide. This could be done by urging the member nations of ICAO to promulgate strengthened security standards, to evaluate the application of those standards, and, finally, for the member nations to agree to put in place a mechanism of sanctions against noncomplying nations.

In this regard, there is a pressing need for a new international convention or treaty to provide sanctions against nations that provide safe havens or other support to terrorists. It was thought for a time that the Tokyo, the Hague, and the Montreal Conventions arrived at between 1963 and 1971 would have the cumulative effect of eliminating safe havens for aircraft hijackers and saboteurs.

However, it was recognized as early as 1973 that some sanctuaries remained for perpetrators of terrorist crimes against air commerce. Nations meeting at Rome in that year, 1973, attempted to agree on an international treaty providing for sanctions against safe haven nations.

Regrettably, the time was not then ripe for such a step, but now may be the time to try the Rome approach again. Civil aviation is of such growing importance as a vital transport link for so many nations that sanctions against nations supporting terrorism could now have a much better chance of adoption.

IMPLEMENTING EXPLOSIVE-DETECTION TECHNOLOGY

In closing, I would like to touch on one last point: It concerns the need for more rapid progress in developing and making available technological capabilities for detecting explosives.

To my personal knowledge, research efforts to develop more efficient and effective techniques for detecting explosives in the aviation environment go back to 1963.

More recently, following an explosion at La Guardia Airport in 1975, the FAA was assigned lead responsibility for this research in the executive branch. Following the hijacking last June 14, FAA's mandate was reemphasized and additional resources were made available.

It is our understanding that a number of promising techniques, including vapor detection, among others, have been identified, and can be brought from the laboratory to field development over the next few years.

We believe that if the solution to the problem of an effective new explosive detection device is that close, then whatever additional resources are needed to hasten the development should be applied, and promptly.

That concludes my prepared statement, Mr. Chairman. Mr. Steele and I will be pleased to answer any questions that you and the committees may have.

But let me add one other thought: And that is, as mentioned in my statement, the U.S. Airline Security Program has served as a model for the world.

U.S. airline security measures in place today are at a new high level of intensity, and I believe that U.S. airline security is as secure, if not more secure, than the security programs of other nations.

So, I would urge the traveling public to not have reservations about flying on U.S. airlines. I think the safety and security record that has been unmatched in the past will continue to be unmatched in the future.

Thank you.

Chairman Fascell. Thank you very much, Mr. Lally.

[Mr. Lally's prepared statement follows:]

Prepared Statement of Richard F. Lally, Assistant Vice President, Security Air Transport Association

My name is Richard F. Lally. I am assistant vice president of security for the Air Transport Association, the trade and service organization of the U.S. scheduled airlines. I am accompanied by John H. Steele, director of security for Trans World Airlines.

The airlines belonging to ATA account for more than 90 percent of the total revenue passenger miles produced by U.S. scheduled air carriers, for more than 95 percent of the air freight ton miles and for the transportation of most intercity first class letters. ATA member air carriers fly to 430 airports in the United States and to more than 70 other countries.

Our industry appreciates the opportunity to participate in these hearings on terrorism and airport security. The fact that the hearings are taking place before members of three subcommittees attests to the importance Congress places on countering terrorism. So does the nation's airline industry.

Safety and security are closely linked and are of paramount concern to the airline industry. Consistent with this concern, the ATA Board of Directors, at a meeting last month, approved a safety agenda identifying some significant work efforts of the industry over the near and long term. Security is a specific and integral part of that work plan.

The nation's airlines, since 1973, have had in force one of the most comprehensive and effective security programs in the world. It was back then that the industry began to screen all passengers and their carry-on bags. Many said that it couldn't be done. There were too many people and too many bags involved.

Now the U.S. airlines screen more than one million passengers a day. They are likely to screen more than 400 million before the year is out. Some 5.6 million flights will be involved.

Airline passengers will check more than 550 million pieces of luggage to move in baggage compartments. They will carry aboard another 370 million pieces of baggage that will be screened by X-ray and physical search in some cases. This is in addition to all the purses and briefcases that will be inspected.

New and more stringent security measures involving people, baggage and cargo went into effect following the hijacking of TWA Flight 847 on June 14, 1985. Even tighter security controls, this time directed to aircraft protection and access, have gone into effect since the explosion aboard a U.S. airliner making a descent to Athens on April 2.

The U.S. airlines' security record has been good. There were only five U.S. airline hijackings during 1984 and only four in 1985 — the lowest annual record since 1976. So far in 1986, two hijackings were attempted against U.S. airlines. They were unsuccessful. The bomb explosion of April 2 was the first involving a U.S airline since 1982.

By way of perspective, there is the temptation to compare safety aboard an airliner with that of our highways where 50,000 people die each year or with the heavy frequency of accidents in the home. Such a temptation should be resisted. The public has come to expect extraordinarily high standards of safety and security in air transportation. It is part of our industry's heritage, and we are working for the best record possible.

In the efforts to combat terrorism, it must be noted that a private industry such as the airlines has only part of the responsibility The major responsibility falls to government. This is particularly true when the terrorism is directed against an entire country or government, and the specific target — be it an aircraft or some other instrument — is selected because it represents the country involved. This has been the case in recent incidents.

The U.S. government pursues vigorous efforts against terrorism. Here I wish to note that in counter-terrorism efforts and in other aspects of security, the cooperation between the nation's government and airlines has been excellent.

The machinery of the government and the airlines to combat and to react to terrorism was strengthened by enactment last year of the International Security and Development Cooperation Act of 1985. Here are some of the elements provided for under Title V of the act:

— A framework for U.S. anti-terrorism assistance to other countries.

— Establishment of security standards for foreign air transportation.

— Assessment of the effectiveness of security at foreign airports.

— Notice to foreign governments of security deficiencies and necessary corrective actions.

— The posting and publicizing of security-deficient airports and advice to air travelers when conditions warrant.

— Ultimately, the imposition of sanctions if necessary security improvements are not made.

This legislation was a good step; but the fact that it is in place should not be permitted to overshadow an important truism concerning efforts to knock out international terrorism. One nation, no matter which nation, cannot do the job alone. Acts of terrorism are crimes against the world. The ultimate answers must be found in joint actions by the world community of nations.

The International Civil Aviation Organization should be given increased authority to enforce the best possible security standards at airports worldwide. This could be done by urging the member nations of ICAO to promptly promulgate strengthened standards, to evaluate the application of these standards and, finally, for the member nations to agree to put in place a mechanism of sanctions against non-complying nations.

There is also a pressing need for a new international convention or treaty providing sanctions against nations providing safe haven or other support to terrorists. It was thought for a time that the Tokyo, Hague and Montreal conventions arrived at between 1963 and 1971 would have the cumulative effect of eliminating safe havens for aircraft hijackers and saboteurs.

It was recognized as early as 1973, however, that some sanctuaries remained for perpetrators of terrorist crimes against air commerce. Nations meeting at Rome that year attempted to agree on an international treaty providing for sanctions against safe haven nations. Regrettably, the time was not then ripe for such a step; but now may be the time to try the Rome approach again. Civil aviation is of such growing importance as a vital transport link for so many nations that sanctions against nations' supporting terrorism could now have a better chance of adoption.

In closing, I wish to touch upon one last point. It concerns the need for more rapid progress in developing and making available technological capabilities for detecting explosives.

To my knowledge, research efforts to develop more efficient and effective techniques for detecting explosives in the aviation environment go back to 1963. Following an explosion at LaGuardia in 1975, FAA was assigned lead responsibility in this research by the Executive Branch. Following the hijacking of last June 14, FAA's mandate was re-emphasized and additional resources made available.

It is our understanding that a number of promising techniques, including vapor detection, have been identified, and can be brought from the laboratory to field development over the next few years. If the solution to the problem of an effective new explosives detection device is that close, whatever additional resources are needed to hasten development should be applied.

That concludes my prepared statement. Mr. Steele and I will now be pleased to answer any questions you may have.

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Chairman **Fascell**. Let us hear, right on that note from Mr. Hallissey, as the chief executive officer of the travel industry.

We will be very happy to hear from you.

STATEMENT OF JOSEPH H. HALLISSEY, CTC, CHAIRMAN OF THE BOARD, AMERICAN SOCIETY OF TRAVEL AGENTS, INC.

Mr. **Hallissey**. Thank you, Mr. Chairman. Members of the committees.

I am honored to have the opportunity to be here and appear before you to address the concerns of the American Society of Travel Agents [ASTA] on this very timely issue of tourism and terrorism.

The American Society of Travel Agents [ASTA] is the largest professional travel trade association in the world, representing some 23,000 members and 128 countries.

It was founded in 1931, and strives to enhance the ability of its members to conduct their businesses with integrity and competency, and to represent its members in government and in the travel industry, and to promote travel and travel agents to the public at large.

The civilized world is angered by these random acts of violence against innocent travelers, and it is the concern of all nations whose future depend on the peaceful exchange of visitors, of goods, and services across national borders.

We of ASTA, the largest and oldest professional travel organization in the world, firmly support the efforts which do not allow this terrorist campaign to succeed. We believe that with worldwide cooperation and commitment, it will not succeed.

As Pope John Paul said at a recent conference of tourism in Italy: "Tourism is an instrument of Peace, and it encourages better understanding of our various cultures and enhances good will throughout the world."

Tourism has become important in the lives of all Americans, and through travel to countries around the world, people can acquire a deeper awareness of foreign cultures, of peoples, and of lands.

Travelers should have the freedom to visit the people and the cultural attractions that travel destinations have to offer, regardless of the political situation.

ASTA VIEW OF TERRORISM

Terrorists, and those who support them, interrupt the free flow of people and ideas around the globe.

What can be done?

First, it serves us well to remember that terrorism is a vicious brand of political pressure practiced by human beings against other human beings. Solutions are possible and are attainable. We believe that members of the travel industry are in a position to cooperate with private and the public sector interests in working toward these goals.

And I speak with specific reference to the organization that I represent. ASTA is a recognized leader in the development of travel and tourism, and we continue to work toward breaking down any barriers to the basic human right of all people to travel freely.

One important step has already been taken.

As ASTA's chairman of the board, I have written to the President and to the Members of Congress, and offered the assistance of ASTA's 23,000 professionals in these 128 countries to bring the issue to the attention of governments throughout the world.

We applaud the President's efforts and those of you in Congress, including you, Mr. Chairman, to combat terrorism and urge that these efforts be intensified.

Secondly, ASTA has been instrumental in spearheading the formation of an industrywide council to address the question of traveler security. We call our council the Travelers Security Policy Council, and I have invited several key industry officials to serve on the council, who include these people:

Mr. Ronal Zeller of the Norwegian Caribbean Lines, who is the president of the Cruise Lines International Association;

Mr. Robert Whitley, who is the executive vice president of the U.S. Tour Operators Association;

Mr. Gabriel Phillips, the executive vice president of Administration and Industry Programs, of the Air Transport Association;

Mr. Donal McSullivan, the vice president of the Irish Tourist Board, and as the president of the European Travel Commission;

Ken Hine, the executive vice president of the American Hotel and Motel Association;

Mr. James Gaffigan, the executive director of the Travel and Tourism Government Affairs Council;

Art Panganiban, who is president of the Baron Corp., a tour operator in Manila, the Philippines, and is the chief officer of the ASTA International Association;

Mr. Byron Argiri, who is president of a travel agency organization in Athens, Greece, and a past chief officer of ASTA International;

Mr. Wayne Berens, from Revere Travel in Trenton, NJ;

Mr. Carl Helgren from Seattle, WA; and

Mr. Ray Schockley, who is the president and chief operating officer of the American Society of Travel Agents.

The council adopted the following statement of purpose, which I think is pertinent to our subject of today.

The Travelers Security Policy Council is composed of representatives of the U.S. and international travel industry, and it is established to maximize travel safety, encourage an ongoing dialog between industry and government on the critical issues which affect the travel, the traveler, and his security, and to facilitate the formulation of common positions on traveler security and unified responses to terrorism against travelers.

And toward these ends, the council has resolved to gather and exchange information about measures instituted by governments and the private sector to improve traveler safety, terrorist incidents and their impact on tourism bookings and departures, and public policies which shape the traveler's perceptions of the adequacy of counterterrorist measures.

OBJECTIVES OF THE TRAVELERS SECURITY POLICY COUNCIL

Travel is a fundamental human right, is our belief, and travelers and governments have affirmed this right, and they have an obligation to maintain safe travel conditions and to provide information about these conditions so that the public may exercise the right to travel in an informed manner.

The council believes there is a relationship between official policies, travelers' perceptions, travelers' decisions, and nations' earnings from tourism. The council further believes that the leaders of governments should consider, or consult their tourism advisers about public policies which have the potential to affect traveler perceptions about safety conditions.

The council further is concerned that the lack of consideration and consultation can have an adverse effect on international tourism and the economies of nations. It is the council's conviction that the travel industry and public tourism officials worldwide, can be a positive resource to political leaders and can provide them with accurate information on travel-consumer behavior, the national interest in tourism, and the economic consequences of official policies on international travel.

The council will endeavor to establish an authoritative travel industry voice to communicate to governments the economic effects of terrorism on tourism.

To create an information clearinghouse will be another object of the council to collect available statistics which make it possible to measure the impact of terrorist incidents as they affect travel, and to maintain a data base so that the level of travel bookings and activity can be monitored, compared, and evaluated.

And further to institute a consumer information program about measures taken by governments and industry to improve traveler safety.

Further to establish a communication link with foreign political leaders, U.S. travel components, the press, the agencies of the U.S. Government which share responsibility for traveler safety or which develop and carry out U.S. counterterrorism policies.

To work constructively with legislative bodies in their efforts to deal with terrorism in a manner which preserves the freedom of travel, and to encourage governments to work together on existing international agreements aimed at improving traveler security and to take other collective and independent actions to raise standards of traveler security; and, last, to assist governments to formulate public information guidelines about traveler security.

Mr. Chairman, as our statement indicates, there is much work to be done, and we see the need for a cooperative effort among agencies of the Federal Government and various sections of the travel industry. There exists already a Tourism Policy Council under the auspices of the U.S. Travel and Tourism Administration, which represents several components of the Government.

This Council, and the Travelers Security Policy Council, our council, can and should establish an ongoing dialog to exchange information to the benefit of both sides. I would suggest a working group comprised of representatives of both Councils to be appointed immediately to help us reach these goals.

For example, our Council has directed that a pamphlet be developed to address the issue of travelers safety. Our intent is to make such a pamphlet available to the consumer throughout the travel agent community and others in the travel industry at large. The interagency group I suggested could share information that it has to expedite the development of this particular pamphlet.

Our Council is also interested in how threat information can and should be communicated through the travel industry and to the general public. And while the State Department has worked with the private sector interests, my understanding is that their efforts have been geared toward the overseas American resident more than the American traveler. We feel that there is work to be done within the Government to address the concerns of American vacationers.

And, finally, I would urge Congress to consider developing different categories of travel advisories, or to use different nomenclatures for different types of warnings.

For example, travel advisories which are based upon political considerations are perhaps and should be perhaps different than warnings about shortages of hotel rooms due to an impending visit of the Pope. I would suggest that those items which are called travel advisories be kept politically pure and that politically motivated earnings be described in a different manner. By lumping all types together, you run the risk of diluting the effectiveness of all types.

In conclusion, as the traveler's closest ally, the travel agent community works to preserve every person's right to travel in an effort to broaden horizons and to work to prevent terrorists' actions from dominating and immobilizing us.

We thank you and the members of the committees, Mr. Chairman, for the efforts to help and preserve the precious human right of the freedom of travel, both for ourselves and for all of mankind.

Thank you very much.

Chairman FASCELL. Thank you very much, Mr. Hallissey.

[Mr. Hallissey's prepared statement follows:]

Prepared Statement of Joseph H. Hallissey, CTC, Chairman of the Board, American Society of Travel Agents, Inc.

Mr. Chairmen, Members of the Committees -- I am honored to have the opportunity to appear before you today to address the concerns of the American Society of Travel Agents, Inc. (ASTA) on this very timely issue of travel and terrorism.

The American Society of Travel Agents, Inc. (ASTA) is the largest professional travel trade association in the world representing over 23,000 members in 128 countries.

Founded in 1931, ASTA strives to enhance the ability of its members to conduct their businesses with integrity and competency, to represent its members in government and in the travel industry, and to promote travel and travel agents to the public at large.

The civilized world is angered by random acts of violence against innocent travelers. It is a concern of all nations whose future depend on the peaceful exchange of visitors, goods and services across national borders.

We of ASTA, the largest and oldest professional travel organization in the world, firmly support efforts which do not allow this terrorist campaign to succeed. We believe that with worldwide cooperation and commitment, it will not succeed.

Tourism is an instrument of peace. It encourages better understanding of our various cultures and enhances good will.

Tourism has become important in the lives of all Americans. Through travel to countries around the world, people can acquire a deeper awareness of foreign cultures, people and lands.

Travelers should have the freedom to visit the people and cultural attractions that travel destinations have to offer, regardless of the political situation.

Terrorists, and those who support them, interrupt the free flow of people and ideas around the globe.

What can be done?

First, it serves us well to remember that terrorism is a vicious brand of political pressure practiced by human beings against other human beings. Solutions are possible and attainable. We believe that members of the travel industry are in a position to cooperate with private and public sector interests in working toward these goals.

I speak in specific reference to our organization. ASTA, is a recognized leader in the development of travel and tourism. We continue to work toward breaking down any barriers to the basic human right of all people to travel freely.

One important step has already been taken. As ASTA's Chairman of the Board, I have written to the President and to Members of the Congress and offered the assistance of ASTA's 23,000 professionals in 128 countries to bring the issue to the attention of governments throughout the world. We applaud the President's efforts and those in the Congress, including you, Chairman Fascell, to combat terrorism and urge that these efforts be intensified.

Secondly, ASTA has been instrumental in spearheading the formation of an industry-wide council to address the question of traveler security. We call our council the Travelers Security Policy Council. I have appointed several key industry officials to serve on this Council, including:

Ronald Zeller - Norwegian Caribbean Lines and President of the Cruise Lines International Association

Robert Whitley - Executive Vice President, U.S. Tour Operators Association, New York, New York

Gabriel Phillips - Executive Vice President, Administration and Industry Programs, Air Transport Association, Washington, D.C.

Donal McSullivan - Vice President, Irish Tourist Board, New York, New York, and President of the European Travel Commission, New York, New York

Ken Hine - Executive Vice President, American Hotel and Motel Association, New York, New York

Jim Gaffigan - Executive Director, Travel and Tourism Government Affairs Council, Washington, D.C.

Art. V. Panganiban, Jr. - President, The Baron Travel, Corp., Manila, Philippines, and Chief Officer of ASTA International

Byron D. Argiri - President, Conceptours Travellers Service, Athens, Greece, and Past Chief Officer of ASTA International

H. Wayne Berens President, Revere Travel, Inc., Trenton, New Jersey, Chairman of Mercer County Airport Schedule Service Authority, and Trustee of Institute of Certified Travel Agents (ICTA)

Carl L. Helgren, CTC, - Chairman, University Travel, Seattle, Washington, and Past ASTA Chairman of the Board

Ray Shockley - President and Chief Operating Officer of ASTA

The Council adopted the following Statement of Purpose:

The Travelers Security Policy Council is composed of representatives of the U.S. and international travel industry. It is established to:

* maximize travel safety;

* encourage an ongoing dialogue between industry and government on critical issues which affect the travel and his security; and to

- * facilitate the formulation of common positions on traveler security and unified responses to terrorism against travelers.

Toward these ends, the Council resolves to gather and exchange information about:

- * measures instituted by governments and private sector to improve traveler safety;
- * terrorist incidents and their impact on tourism bookings and departures; and
- * public policies which shape the traveler's perceptions of the adequacy of counter-terrorist measures.

Travel is a fundamental human right. Governments have affirmed this right, and they have an obligation to maintain safe travel conditions and to provide information about those conditions so the public may exercise the right to travel in an informed manner.

The Council believes there is a relationship between official policies, travelers' perceptions, travelers' decisions and nations' earnings from tourism. The Council further believes that the leaders of governments should consider, or consult their tourism advisors about, public policies which have the potential to affect traveler perceptions about safety conditions.

The Council is concerned that lack of consideration and consultation can have an adverse effect on international tourism and the economies of nations. It is the Council's conviction that the travel industry and public tourism officials, worldwide, can be a positive resource to political leaders and can provide them with accurate information on travel-consumer behavior, the national interest in tourism and the economic consequences of official policies on international travel.

THE COUNCIL WILL ENDEAVOR:

* to establish an authoritative travel industry voice to communicate to governments the economic effects of terrorism on tourism;

* to create an information clearinghouse to collect available statistics which make it possible to measure the impact of terrorists incidents on travel, and to maintain a database so that the level of travel bookings and activity can be monitored, compared and evaluated;

* to institute a consumer information program about measures taken by governments and industry to improve traveler safety;

* to establish communication links with foreign political leaders, U.S. travel components, the press, and agencies of the U.S. Government which share responsibility for traveler safety or which develop and carry out U.S. counter-terrorism policies;

* to work constructively with legislative bodies in their efforts to deal with terrorism in a manner which preserves freedom of travel;

* to encourage governments to work together on existing international agreements aimed at improving traveler security and to take other collective and independent actions to raise standards of traveler security, and

- to assist governments to formulate public information guidelines about traveler security.

Mr. Chairmen, as our statement indicates, there is much work to be done. We see the need for a cooperative effort among agencies of the Federal Government and various sections of the travel industry. There exists already a Tourism Policy Council, under the auspices of the United States Travel and Tourism Administration, which represents several components of the government. This Council, and our Council, can and should establish an ongoing dialogue to exchange information to the benefit of both sides. Perhaps a working group comprised of representatives of both Councils could be appointed to help us reach our goals.

For example, our Council has directed that a pamphlet be developed to address the issue of travelers safety. Our intent is to make such a pamphlet available to consumers through travel agents and others in the travel industry. The inter-agency group I mentioned could share information it has to expedite development of this pamphlet.

Our Council is also interested in how threat information can and should be communicated through the travel industry and the general public. While the State Department has worked with private sector interests, my understanding is that their efforts have been geared toward the overseas American resident more than the American traveler. We feel that there is work to be done within the government to address the concerns of American vacationers.

Finally, I would urge Congress to consider developing different categories of travel advisories, or to use different nomenclatures for different types of warnings. For example, travel advisories which are based upon political considerations are perhaps different than warnings about shortages of hotel rooms due to an impending visit by the Pope. I suggest that those items which are called travel advisories be kept politically pure, and that politically-motivated warnings be described in a different manner. By lumping all types together, you run the risk of diluting the effectiveness of all types.

In conclusion, as the traveler's closest ally, travel agents work to preserve every person's right to travel in an effort to broaden horizons and work to prevent terrorists' actions from dominating and immobilizing us. We thank you and the Committees for its efforts to help and preserve the precious human right of free travel for ourselves and for all mankind.

Thank you. Mr. Chairmen.

EXTENT OF ICAO AUTHORITY

Chairman **Fascell**. The Air Transport Association in its efforts to improve airport security works through the International Civil Aviation Organization on the establishments of standards.

Am I correct?

Mr. **Lally**. The International Civil Aviation Organization was established under the auspices of the United Nations and the Chicago Convention, and it is made up of representatives of some 150 nations. It is the technical international organization that provides advice, assistance, guidance, on the operations of international civil air commerce.

Chairman **Fascell**. But it cannot mandate security standards?

Mr. **Lally**. No.

It has an annex 17 that deals with security that contains ICAO standards and recommended practices. It promulgates standards, but it lacks the authority and the resources to evaluate the application of those standards and their effectiveness.

And most importantly, it lacks—and there is a total lack of an international enforcement mechanism to provide sanctions against nations that either support terrorists or do not properly apply the standards.

Chairman **Fascell**. Thank you for giving us that review and putting it on the record again. It is very important for people to understand that there is no international mechanism now that exists, that can enforce stricker security standards.

Has the United States gone forward to ICAO, requesting the adoption of higher standards and seeking some kind of implementing and enforcing mechanism?

Mr. **Lally**. Well, the Secretary of Transportation, just this past summer, went forward to ICAO and urged the promulgation of strengthened standards; and those standards were strengthened, then were issued, and are now in circulation. The effective date for those standards is approaching very rapidly.

So, I think that demonstrates that ICAO can act, effectively and in a timely manner. As far as the proposals for sanction authority, the United States has made proposals along those lines, but I think they have been lacking in specificity.

If I might observe that the upcoming Tokyo summit meeting of the economic leading nations of the world, I think, provides a unique and timely opportunity to address the subject of international terrorism.

It was at the economic summit meeting in Bonn, in 1978, where the members of that group came out with their so-called Bonn declaration. I think building on that now, with the current sensitivity to the problem of international terrorism, that the Tokyo summit could initiate an action that could lead to broader multilateral actions, perhaps even including the upcoming assembly of ICAO, which is scheduled for September.

Chairman **Fascell**. Well, I certainly agree with you, and we have urged that terrorism be put on the agenda at the Tokyo Conference.

MECHANISMS FOR ATA TO VOICE VIEWS

Now, with respect to the comments of the higher security standards at airports, which is now being circulated for comment, is the industry going to be involved in having some opportunity to comment to our own Government?

Mr. **LALLY**. Yes, there is a mechanism in place by which our government circulates such proposals to interested private sector groups.

Chairman **FASCELL**. So, ATA will get a shot at commenting on the security standards which ICAO proposes to recommend at some point?

Mr. **LALLY**. Right. Well, actually the strengthened ICAO standards have already been circulated; we have already commented, and the measures have been promulgated.

But as new standards are proposed and developed, I feel confident that the industry will have the opportunity to review and comment on them.

Chairman **FASCELL**. I have a lot of questions, but let me finish with this one.

CARRIERS INVOLVEMENT IN THREAT ASSESSMENT

In the determination of both threat and inadequacy of security at foreign airports, do carriers such as TWA, Mr. Steele, get any opportunity to have to review these assessments and to comment on their experience on the ground?

STATEMENT OF JOHN H. STEELE, DIRECTOR OF SECURITY, TRANS WORLD AIRLINES

Mr. **STEELE**. Yes.

Yes, we are in contact through our FAA sources here in the United States. We are in contact through the International Air Transport Association. We conduct surveys using our own security personnel from throughout the world.

We make recommendations; we write reports on airport security. Yes, we have a very definite ability to——

Chairman **FASCELL**. So, your consultation includes not only airport security, the physical security itself, but also the threat assessment on that particular airport?

Mr. **STEELE**. Well, the assessment on a particular airport is generally—that threat assessment would be made by other agencies to us through——

Chairman **FASCELL**. I know, but the question is, do you have an opportunity to comment? I mean after all with all your carriers on the ground——

Mr. **STEELE**. We comment on the security of the airports, and we comment directly to the governments associated with the airports. We do it in writing and we do it orally.

Chairman **FASCELL**. Well, that is not the question I asked.

Mr. **STEELE**. I am sorry—I am missing you.

Chairman **FASCELL**. I am talking about the U.S. threat assessment team that comes through to examine an airport in a foreign country that TWA, or any other American carrier is operating in;

and the question I am asking is whether or not the carrier operating out of that airport has any opportunity to talk to any U.S. people who are making the assessment.

Mr. Steele. We talked to them in advance. We do not talk to them during the course of their——

Chairman Fascell. But do you ever find out what it is they discovered?

Mr. Steele. No.

Chairman Fascell. Well, what good is it, then?

Mr. Lally. If I might observe, Mr. Chairman——

Chairman Fascell. Please, go ahead.

Mr. Lally. Yes; that was a very important step in the passage of the legislation last year which on this point made explicit the Government's responsibility to do the assessments.

It is our understanding that some assessments were done, but I would say that the industry would recommend that there be established a more regular procedure to involve the carriers that serve an airport, before, during, and after the assessments.

And I think that would be a——

Chairman Fascell. It sure would make sense to me. It does not do much good to keep the carriers in the dark about what is going on with respect to the security requirements at an airport that you are operating under.

I mean that seems ridiculous to me.

Mr. Mineta.

Mr. Mineta. Thank you very much, Mr. Chairman.

PROGRESS SINCE INCEPTION OF THREAT ASSESSMENT PROGRAM

Mr. Lally and Mr. Steele, last summer when the TWA aircraft was hijacked, we found that there were deficiencies in the security at the Athens airport, and that up to that time our Government had not been successful in getting these deficiencies remedied.

These deficiencies or problems were an important reason for our having passed legislation here to require the Department of Transportation to conduct regular assessments of security at foreign airports, to make certain that these airports do meet the minimum standards incorporated in annex 17 developed by ICAO.

So, I appreciate your views on the effects of this legislation. First of all, has there been an improvement at foreign airports since the legislation was passed?

And, second, it is my understanding from prior hearings that the Department of Transportation has conducted assessments at all foreign airports, and that DOT has not found any cases in which an airport's security program is not meeting appropriate standards.

ATA OPINION OF THREAT ASSESSMENT VIABILITY

I am wondering, do you agree with that assessment? And do you believe that there are any foreign airports which do not have satisfactory security programs?

Mr. Steele. Well, I can only speak for the airports that TWA serves, of course; and I do not believe that at any of those airports we have substandard security in place.

Mr. MINETA. Mr. Lally, from your other member companies in ATA?

Mr. LALLY. I believe that as far as the airlines are concerned, there are no airports they are serving that have any drastic deficiencies in security.

I think that the improvement in foreign airports security since last summer have been quite dramatic, as has been mentioned earlier here today; and I think that even more recent measures that have been introduced by FAA, have produced an extremely high level of security for U.S. airlines at major airports in so-called troubled areas of the world.

Mr. MINETA. Are there situations in which U.S. carriers would like to establish additional security measures that a foreign airport will not allow you to install?

Mr. LALLY. There have been a couple of problem areas there, but I think they are being worked out. We have had some good, you know, relationships, as mentioned earlier, with the FAA and the State Department; and I think that right at the present time, the State Department is undertaking consultations with some of these other governments about the new measures that are being proposed or introduced to protect U.S. carriers, and where the host nations have any problems at all with regard to them, these problems are being worked out on a case-by-case basis.

Mr. MINETA Mr. Steele.

Mr. STEELE. I agree with that.

The problems, as we view them, are discussed with appropriate U.S. Government authorities, including the State Department; and I think we work very well, in trying to resolve the issues that are of concern to us.

Yes, I agree with that.

AIRLINE ACCESS TO GOVERNMENT INFORMATION

Mr. MINETA. Let me ask: Are the airlines satisfied that they get all the information which the U.S. Government obtains about specific terrorist threats, particular airports, or particular airliner flights?

It is the same question that Mr. Fascell asked, but I would like to ask it again, because I am not really sure that the airlines are getting this information. It is sort of like, you know, weather information. If the weather observers are getting their information but they are not passing it on to the air traffic controllers who then get that information uplinked to the flight deck, it does not serve any purpose.

Again, I am just wondering.

Mr. STEELE. Well the——

Mr. MINETA. Are you getting the information? Is it being passed on to you? Even after you get it, can the carrier say, "Hey, hold it. We do not think that is the case at all. At airport X, we think it is even worse than what you've said."

Mr. STEELE. I think if you are talking intelligence information, we are pretty much dependent upon the intelligence community, the various diverse agencies, and we obtain that information through a central source—the Federal Aviation Administration.

I think it is an effective way to meet that need; otherwise, we would be dealing with a variety of agencies, and there would be no evaluation made by a central source, such as the FAA.

AIRLINE INFLUENCE ON SECURITY STANDARDS

Mr. **Mineta**. Well, let me ask it this way: Instead of worrying about whether or not the CIA, or any intelligence agency is doing their job properly, when your pilot, copilot, flight engineer, or someone sees lax security around the ramp area, what do they do?

Mr **Steele**. They make a report.

Mr. **Mineta**. To whom?

Mr. **Steele**. They make a report to my office, to the local airport manager—yes, they make a record of it, and we try to respond to it, and we do respond to it.

Does that answer your question?

Mr. **Mineta**. Do you then contact airport X, or do you then go through the Federal Aviation Administration's Office of Civil Aviation Security that Mr. Lally used to head up when he was with the FAA? Or what is your procedure?

Mr. **Steele**. Well, you have operations people, on site. They are in direct contact with the airport authorities; they know what the procedural requirements are; if they are not being carried out, they can take it directly to the local authorities.

If they do not get the proper response, they move it up to some other level in TWA management, and that type of situation does occur, and we do get response.

Mr. **Mineta**. Are the airlines satisfied that they are getting this information across the board from our own Government pretty fully?

Mr. **Lally**. I was just going to say I think probably no one is ever fully satisfied with the timeliness and the quality and the specificity of intelligence. But I think that the FAA——

Mr. **Mineta**. But, what is more important than timeliness and specificity.?

Mr. **Lally**. That's right. Well, it is just the——

Mr. **Mineta**. If you are not getting that, then how can you even be satisfied?

Mr. **Lally**. Well, I did not mean it that way. I meant that we are getting promptly and specifically the intelligence that exists, that is in the flow. I think the FAA does a good job in interfacing with the intelligence community. They analyze it, put an aviation twist on it, and they pass it on to the airlines in a timely manner. The point I was trying to make is the more intelligence, the better. We're always striving for better intelligence.

ATA VIEW OF CARRY-ON BAGGAGE LIMITS

Mr. **Mineta**. Captain Duffy testified that it would be helpful in terms of security to limit carry-on baggage. I am wondering what is the airlines' position on limiting carry-on baggage.

Mr. **Lally**. Well, the airlines' position on that is that the carry-on baggage does not present a security problem. I mean the carry-on baggage is inspected and inspected properly, and there is not a security reason for limiting either the quantity or the size of carry-on baggage.

Moreover, I believe—I am not expert in this particular area—that the industry believes that there are regulations already on the books promulgated by the FAA covering carry-on baggage, and that rather than new regulations being needed what might be needed, if anything, is enforcement or a procedural improvement to implement the regulations that already exist.

ATA OPINION OF SECURITY PERSONNEL

Mr. **Mineta**. Are the airlines satisfied about the performance of the people who are manning x ray machines and searching baggage, and doing the security work at the entry point to gate areas?

At many U.S. airports these are generally low paying or minimum paying jobs, and of course, the work can be quite tedious. And I wonder if the same problem exists at foreign airports. I was citing the example to our chairman. Recently, when I was coming through putting my baggage on the conveyor, and the person is looking at the x ray machine saying, what am I supposed to be looking for. I guess that sort of looks like a gun. I don't know if it is. And frankly, I just about fell out of my chair.

And not long after that I had a meeting with the presidents of two large security firms that have these rent-a-cops at these security gates. And frankly, I was very upset about the kind of people they have and the training level. And I am wondering if there is anything that ATA or the carriers themselves are doing to try and improve the effectiveness of those people at the gates who are having to not only assist people, but also look at the luggage.

Mr. **Lally**. I think the carriers are striving constantly to assure a proper level of vigilance and performance. As you mentioned, it is a tedious job. The numbers are awesome when you are talking about 400 airports just in the United States, 15,000 flights a day, 1 million passengers a day, 700 million people screened a year, 1½ billion pieces of carry-on baggage. So, we have got an awesome system.

But the effectiveness has been remarkable in terms of weapons and firearms detected, arrests made, and by FAA's account more than 115 hijackings or other crimes prevented by this system. So, what we have is a system of a great scope and magnitude, but one that has proved remarkably effective. But nevertheless, we appear to have—particularly maybe at this point in time when society's sensitivities are high—we might have a perception problem in that people perceive what they might think to be an inattentive worker, you know, may not be as inattentive as he appears.

Nevertheless, the airlines work constantly to try to improve that performance. All of the screening personnel are selected and trained in accordance with FAA standards. The training programs are approved by FAA. The system is tested by FAA. The training is monitored by FAA, and everything that is being done I think is adequate to raise that level. Nevertheless, the work continues.

As far as the minimum wage comments are concerned, that is an easy statement to make. I would challenge whether it is minimum wage everywhere. But nevertheless, like any other task, you are dealing with a labor market, and you cannot dictate the economies of the labor market. But I would venture to say that we could hire a Ph.D. and pay him $100,000 a year and put him on the same job and he probably would not do as good—perform as well as the people that are doing it today.

So, I think it is a complex thing, and it involves motivation. It involves discipline. It involves supervision and management. And all of those avenues are being followed by the industry and by FAA.

Mr. **MINETA**. Mr. Chairman, if I might make a comment.

The problem is that that security is not just a problem with the airlines. I come from Silicon Valley. Firms there hire these same kinds of people, same firms, same rent-a-cops, minimum wage, and they lose millions, hundreds of millions of dollars of semiconductor chips.

And the problem I think is training. It is the boring part of the job. They get tempted by people who bring drugs onto the scene. And I see this problem, and it is frankly no different—I do not think—in the airline business as it is in the semiconductor industry. And we have a tremendous problem in Silicon Valley right now on this thing despite the downturn of the economy.

But let me just make one quick comment about the carry-on luggage. If you have got an enforcement problem, as you say Mr. Lally, I also see that as a compliance problem. And it seems to me that from that perspective, compliance is the responsibility of the airlines. So, why isn't there better compliance by the airlines?

Mr. **LALLY**. I cannot answer that, Mr. Mineta. That is not my field of expertise, but I can provide a statement for the record on that point. I can talk to the security aspects of the problem, but not to the others.

Chairman **FASCELL**. Dan Mica.

AIRLINES WILLINGNESS TO BOYCOTT

Mr. **MICA**. Thank you, Mr. Chairman. I understand we have about 2 minutes before we have to leave here. So, very quickly, Mr. Hallissey, are you willing to call for restricted travel in tourism now in order to have enlarged or increased travel later if the situation requires?

Mr. **HALLISSEY**. I am not sure what you mean by restricted travel.

Mr. **MICA**. Well, if we have indications that certain countries are not cooperating or involved in terrorism. The airline pilots have talked about boycotts, about putting themselves in the position where it would be economically damaging. Is the tourist industry willing to do that?

Mr. **HALLISSEY**. I understand your question now. Thank you.

Our position has been traditionally that tourism, travel, would transcend politics, but it certainly would not transcend the safety of the passenger or the traveler.

Mr. **MICA**. Is travel down dramatically to Europe right now?

Mr. **HALLISSEY**. Yes.

Mr. **MICA**. What kind of figures do you have?

Mr. **Hallissey**. There is such a variety of figures. One of the attempts of the council that I mentioned in my report to you was to look for the clearinghouse of accurate figures because they seem to be bouncing all over. The figures that the chairman mentioned in his opening statement seemed rather wild to us when he said that a newspaper article had said travel to Europe was down 90-percent. I do not quite believe those figures to be that high. I do not know the source of them, and I do not know the accuracy of that source.

I would quickly say off the record—or not off the record, but off the top of my head, what we are reading now, 25, 30 percent drop in travel sales to Europe is an estimate that we have been hearing lately.

Mr. **Mica**. I will tell you, my quick opinion is that you and your industry are probably in possession of the greatest nonmilitary weapon we have right now. And that is economic and it is tourism. It is unfortunate, but it may come to you to help carry the flag on this.

Chairman **Fascell**. It is pretty tough though, isn't it Dan, for the guys who are supposed to be selling tickets not to sell tickets?

Mr. **Mica**. It is going to be very, very tough.

Mr. **Hallissey**. But gentlemen, if I can speak to that. I know our time is running short.

Mr. **Mica**. The same with the pilots.

Mr. **Hallissey**. The same thing across the board. The thing that we have been attempting to do—and the letter that I referred to the President—because we are located in 128 countries that through the tourism network of people we can talk to administrators and leaders of the tourism business and world throught out the world. France announced 6 to 8 weeks ago that tourism was their No. 1 product. We can talk to the tourism officials to get to the government officials and stress the economics of what is happening, which far outweighs some of the other measures that they may not be looking at.

Mr. **Mica**. Mr. Chairman, I would like to pursue that, but I know we are out of time.

I want to commend TWA for the extra work you have done above and beyond all call of duty with your security work. At another time I would like to see where you feel host governments should pick up the task. In some cases you have had to do that for them. We commend you. I commend you for it. We have looked at some of the particular work of your airline. You have done a fantastic job, and you have been the subject of some attacks.

I will submit additional questions for the record.

Chairman **Fascell**. Mr. Chairman, let me just say that your point is well taken, and we want to commend all of you for your cooperation and your efforts on this very serious problem.

Mr. Hallissey?

Mr. **Hallissey**. One last comment and a request, gentlemen.

GOVERNMENT INVOLVEMENT IN TSPC

We have a severe need. We think that the Travelers' Security Policy Council needs Government involvement. It must have Government involvement. We would like you to make VSTTA the Government involved organization if we can request it. They were initially part of the council and then removed themselves, and we think it is an urgent message that they should be involved.

Mr. **Mica**. Isn't the administration trying to get rid of the USTA?

Mr. **Hallissey**. Indeed, but I think that the Congress will not allow that to happen.

Mr. **Mica**. Talk to them.

Mr. **Hallissey**. Hundreds of calls going to the State Department everyday. People are asking questions about where it is safe to go. Yet, no one seems to give them an explicit response.

Mr. **Mica**. Tell the President to put it in the budget.

Mr. **Hallissey**. Thank you, sir.

Gentlemen, thank you very much.

Chairman **Fascell**. The meeting stands adjourned.

[Whereupon, at 12:55 p.m., the hearing was adjourned to reconvene at 10 a.m. on Tuesday, April 22, 1986.]

EFFECTIVENESS OF U.S. GOVERNMENT POLICIES AND PROGRAMS TO COMBAT THE INCREASED THREAT OF LIBYAN AND OTHER STATE-SPONSORED TERRORISM

TUESDAY, APRIL 22, 1986

House of Representatives, Committee on Foreign Affairs, Subcommittees on Arms Control, International Security and Science, and on International Operations; and Committee on Public Works and Transportation, Subcommittee on Aviation,
Washington, DC.

The joint subcommittees met at 10:10 a.m., in room 2172, Rayburn House Office Building, Hon. Dante B. Fascell (chairman of the Subcommittee on Arms Control, International Security and Science) presiding.

Chairman Fascell. The subcommittees will come to order.

We meet today to continue our hearings on international terrorism and to review the effectiveness of U.S. Government policies and programs to combat the increased threat of Libyan and other State-sponsored terrorism.

I am pleased to note the progress on diplomatic sanctions which were adopted yesterday at the EC Foreign Ministers meeting in Luxembourg. This is certainly a good first step.

However, more needs to be done, and our European allies should go the next step; that is, closing the Libyan People's Bureaus, which have been used over and over again to carry out terrorist activities against innocent men, women, and children.

But it is important now to build on the strong foundation of our alliance and collectively agree to fight the scourge of terrorism. In this respect, the establishment of an International Coordinating Committee on Terrorism can achieve such an objective.

I am sure we do not find ourselves at cross-purposes with our friends and allies in the fight against this menace. The committees will be particularly interested in the Secretary's views on the establishment of such a committee.

In addition, we look forward to hearing from our expert witnesses from the Department of Transportation and FAA on the implementation of the Foreign Airport Security Act and specifically the security of the Rome, Athens and Cairo airports. These have all too frequently been the target of terrorist activity.

Finally, the committees look forward to having the Deputy Secretary of State clarify once and for all, we hope, the situation with respect to the U.S. economic and commercial involvement in Libya.

Last night, CBS News reported that American oil companies have talked the government into believing that they could not close their activities and withdraw immediately from Libya without undue hardship and providing a windfall to Qadhafi. It was my understanding there were limited licenses for the purposes of dismantling or disposal. We are anxious to get that straight.

Certainly, we do not want to give Qadhafi any windfall, nor do we want U.S. companies drilling and shipping oil from Libya. According to CBS and numerous other articles, it appears the Treasury Department has taken one position—that is, allowing the continuation of some U.S. business activity in Libya—as opposed to the Department of State's position that all such commerce be terminated.

So, we will see hopefully that the Treasury and State can get this matter straightened out and clarified for our committees here.

Our question is, do we have a double-standard? If there is a conflict, can we get it resolved immediately?

Gentlemen, we appreciate your being here today. We look forward to receiving your testimony.

Let me ask Mr. Mineta, the chairman of the subcommittee, if he has something to say.

Mr. **Mineta**. Mr. Chairman, I have no opening statement. I am ready to go with the witnesses before us.

Chairman **Fascell**. Mr. Secretary.

STATEMENT OF HON. JOHN WHITEHEAD, DEPUTY SECRETARY OF STATE

Mr. **Whitehead**. Thank you very much, Mr. Chairman.

I am very pleased to be here with you today to talk about U.S. counterterrorism policy.

With me today, on my right, is Ambassador Parker Borg, Deputy Director of the State of Departments Office of Counter-Terrorism; and on my left, Mr. Matthew Scocozza, Assistant Secretary for Policy from the Department of Transportation; and on his left, Mr. Anthony Broderick, Associate Administrator for Aviation Standards from the FAA.

Given the recent U.S. military reaction to Libyan terrorism and the diplomatic activity surrounding our strike, I would like to take this opportunity to apprise the committee on the broader elements of our policy and how we expect it to evolve. I will then address the details of implementing current legislation on aviation security.

I would also like to thank the chairman and the committee for their vital support in combating terrorism. U.S. policy in this area must continue to be solidly bipartisan.

LIBYAN TERRORIST ACTIVITIES

Libya is not the only state which supports terrorism, but it is the most flagrant violator of international law—in its organization and direct support of terrorist activities, and in its use of surrogates, such as Abu Nidal. More than 50 Libyan diplomats have been ex-

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pelled since 1981 by the United States and its allies for reasons of terrorism, an astonishing statistic.

Earlier this year, Libya's support for terrorism was the subject of a State Department white paper. That white paper is already outdated due to continuing Libyan terrorist acts with even more direct official involvement, including the bombing of La Belle discotheque in Berlin, probably the shooting of an American Embassy employee in Khartoum, and the killing of two British professors who were innocent hostages in Lebanon. We also note the tragic murder of Peter Kilburn, in circumstances yet to be explained, and the continuing plight of the other American hostages in Lebanon.

The long list of Libyan-inspired threats and actions directed against the United States and Europe demonstrates that Libya is systematically using terrorism as a matter of government policy. Libya's official support for terrorism is underscored by its clear pattern of using its diplomatic representations in more than 35 countries to organize and support this terrorism.

WORLDWIDE RESPONSES TO LIBYAN TERRORISM

The threat from Libya is not new, but it has increased dramatically in recent months. Our initial actions were to improve security, and to work with host governments where we faced specific threats. The response from host governments was generally good. In Berlin, however, we advised both the East German Government and the Soviet Union of the activities of Libyan People's Bureau members accredited to East Germany.

Both governments noted our concerns and stated their general opposition to terrorism; but they undertook no actions to curb the activities of the People's Bureau members. It was that Bureau which delivered the bomb to La Belle discotheque that killed and injured 250 people.

I am not accusing the Soviet Union or the East German Government of complicity in the bombing of the La Belle discotheque, but these governments did not use their influence and legal position to stop illegal activity on the part of People's Bureau members accredited to East Germany.

Our military response to Libya's continued policy of terrorism against us was measured. It was based on the objectives of demonstrating that Qadhafi's continued pursuit of his policies would not be without direct cost to Libya; that the United States was prepared to use force to fight terrorism along lines repeatedly and carefully defined by the President; and that the United States reserves the right to defend itself and its citizens against aggression by any state, even when that aggression takes new forms, such as terrorism.

As the President said, our action may not stop Libyan supported terrorism, but it will give Qadhafi pause, and make other Libyans question whether they want their government to support such heinous acts. It will make the Libyan people wonder whether the costs are not greater than the benefits. It will also give moderate governments in the Middle East and our European allies time to undertake new steps toward preventing terrorism.

U.S. COUNTERTERRORISM POLICY

Our right of self-defense is more than just a right; it is also our duty to protect our citizens. In the months and years preceding our most recent action in Libya, we saw risks increase abroad for our military and diplomatic personnel, for American businessmen, and for tourists. All have been innocent victims of terrorists.

We increased security to the utmost where there were specific threats in Europe, the Middle East, Africa and Latin America, and we put all United States official installations abroad on high alert. We increased our outreach programs to the private sector and to tourists to alert them to the threat. From the State Department, we repeatedly urged travelers to use prudence and common sense when traveling, especially to areas where threats were highest.

America, Mr. Chairman, is an open and highly mobile society. Millions of Americans travel abroad each year for business and pleasure. We must not be afraid to travel abroad. Rather, we must provide the proper security so that terrorists cannot strike, so that commerce continues to expand and tourists can continue to learn about each other's societies and cultures.

We have made great strides in aircraft and airport security, which I will address in more detail in a minute. But, until terrorism has been stopped, we cannot say that we have done enough.

NECESSITY OF MULTILATERAL COOPERATION

We are more convinced than ever that effective prevention of terrorism requires multilateral cooperation. It is no secret that we have had differences with European states over what measures were necessary to deter Libya and other states from supporting terrorism. We have engaged in a long-term effort to deter Libyan support for terrorism through peaceful economic and political measures.

Back in 1979, we designated Libya as a state supporting terrorism. In 1981, we decreed unilateral economic sanctions that decreased United States-Libyan trade from $5 billion a year to a few hundred million. In January of this year, we invoked legislation that virtually cut all remaining economic and political ties to Libya.

In January, I emphasized to European leaders that Qadhafi needed to understand that he could not support terrorism and enjoy normal relations with civilized nations. We recognized that our allies would have to take similar measures for our sanctions to be fully effective. We also recognized that our allies would have to make Qadhafi understand that Libya could not continue to have normal political and economic relations with civilized nations, if peaceful measures were to be effective.

The measures adopted were uneven; Qadhafi's attacks increased in number, geographic range, and deadliness. As a result, America decided it would no longer stand idly by; that the time had arrived for a carefully designed military action.

Some of our European allies did not provide the support we would have liked to see. However, having just returned from extensive meetings with European leaders at the OECD meeting in Paris, and from a meeting with NATO allies in Brussels, I would urge that this is not the time for recrimination. We have had extraordinary contacts on counterterrorism cooperation with the EC, through our Ambassador-at-Large for Counterterrorism, Robert Oakley, and through Attorney General Edwin Meese. European states agree that multilateral cooperation must be made dramatically more effective.

In the past week and a half, EC states have been engaged in intensive sessions on counterterrorism. We welcome this development, and we welcome the invitations that we have received to cooperate with European states as a group. Our allies also have gotten the message that the economic costs to them of allowing terrorism to continue can be very high as American tourists plan their vacations elsewhere.

Our strike against Libya may have helped to open a hopeful new chapter in multilateral cooperation between European states and the United States.

ESTABLISHMENT OF AN INTERNATIONAL COORDINATING COMMITTEE

I know of this committee's interest, Mr. Chairman, in promoting an international coordinating committee to combat terrorism. This administration shares that goal. Our strategy—the only one we can follow, given the large number and diverse policies of countries involved—is the building block approach. In this way, governments that need to reorganize themselves internally—as do we on some issues—are able to make these adjustments, and governments are able to work out the new arrangements necessary for multilateral cooperation.

Rather than making pronouncements about bold new structures, we need to work constructively with the Europeans, not in a manner which will cause them to reject cooperation with us. We must allow time for old policies and habits to gradually give way to the new ones necessary for broader cooperation. This is a difficult set of transformations.

There is hope again for cooperation in the Economic Summit context and for cooperative arrangements with the European Community. Progress is now underway, but we must guard against governments reverting to old ways of doing business after the shock of a terrorist incident has worn off. Our task is to maintain the current momentum until effective international structures are in place to prevent terrorism.

We also need to do a better job of handling the flow of information regarding terrorism. Due to the sensitive nature of much of this information, I suggest that together we devise a way of providing that information directly to members that need to know.

Mr. Chairman, I would be happy to go into the details of how we are cooperating with the Europeans and how we might better inform you and members of the committee in closed session.

IMPORTANCE OF AVIATION SECURITY

Aviation security is a key strand in the fabric of multilateral counterterrorism cooperation. The Department of State has actively supported improved security for international aviation. We have raised aviation security to a top priority issue within the International Civil Aviation Organization and have established contact with all of our bilateral aviation partners to meet the goals established by the Foreign Airport Security Act.

Strong U.S. leadership within ICAO resulted in the adoption of a major revision to the Chicago Convention's Annex 17, which deals with aviation security. This revision, which will become applicable next month, sets tough new international standards and recommended practices for airport and aircraft security, including standards requiring antiterrorism coordination between States, thorough examination of baggage, strict control over individuals allowed on the tarmac and in other restricted areas of airports, and, in late 1987, positive passenger-baggage match procedures.

ICAO also produced a draft model aviation security article to be adopted between States that has become the foundation for a major U.S. negotiating initiative.

Since January, the department has launched negotiations with some 80 of our bilateral aviation partners for the adoption of an improved aviation security article based on the ICAO model. Agreements on security already have been signed or initialed with eight countries, including the U.S.S.R. We are close to agreement with other states, including many of our aviation partners.

Although what we are seeking—that is, exposing oneself to tough sanctions—is not easy for many states to accept, no country has rejected the concept of improved measures for aviation security.

The Anti-Terrorism Assistance Program, an important tool in our overall efforts to combat terrorism, has also become important in improving airport security. We are currently providing assistance to airports in many countries, including Cairo and Athens. This program could become significantly more effective if we were given greater flexibility to provide training-related equipment within the overall program budget.

FOREIGN AIRPORT SECURITY ACT

Our other major bilateral effort has been to work with the FAA and DOT to implement the Foreign Airport Security Act. U.S. Embassy officers worldwide have paved the way for the FAA's Foreign Airport Inspection Program, and have negotiated arrangements to allow armed U.S. Air Marshals to fly overseas. No formal warnings have yet been issued under the Foreign Airport Security Act, but FAA inspectors have identified areas for improvement in a number of countries which have been rectified following strong though discreet FAA and embassy representations.

Mr. Chairman, Mr. Scocozza has a prepared statement. I don't know whether you would prefer I take questions now or after Mr. Scocozza has made his statement.

Chairman FASCELL. Mr. Secretary, thank you for that progress report.

We would like to hear from the other witnesses; then we will ask questions.

Mr. MINETA. Mr. Chairman, at this time I would like to introduce Hon. Matthew Scocozza, Assistant Secretary for Policy and International Affairs of the Department of Transportation. Mr. Secretary, your statement will be made part of the record.

STATEMENT OF HON. MATTHEW V. SCOCOZZA, ASSISTANT SECRETARY FOR POLICY AND INTERNATIONAL AFFAIRS, DEPARTMENT OF TRANSPORTATION

Mr. SCOCOZZA. Thank you, Mr. Chairman.

I have an abbreviated version of my long testimony. With the committee's indulgence, I may be shuffling paper, but it is to quickly summarize my statement.

I appreciate the opportunity to testify before this joint hearing. I certainly appreciate, as a member of the administration, the cooperation we have had from the committees and the willingness of the committees to work with the Department of Transportation and provide us the opportunity to give good counsel.

SECURITY STATUS OF CAIRO, ROME, ATHENS AIRPORTS

We have been asked to address several specific questions about our security programs, in the aftermath of the tragic explosion on TWA flight 840 on April 2. You asked specifically for an evaluation of the most recent assessments of foreign airport security at the Cairo, Rome, and Athens airports.

Security at the Athens airport was reassessed on March 10, 1986, and at Cairo on March 15. The Rome Airport was scheduled for a formal comprehensive assessment on April 2. Because of the TWA flight 840 bombing that day, the assessment team in Rome was redirected to make an indepth assessment of the airport which concentrated on TWA operations and security provided for them. The last previous assessment at Rome was in December 1985.

The assessments indicate that all three airports have in place effective security programs which meet the standards and recommended practices contained in annex 17 to the Convention on International Civil Aviation, ICAO, standards. These standards constitute the assessment criteria called for by Public Law 99-83, the International Security and Development Cooperation Act of 1985.

The subcommittees have been provided copies of these assessment reports, and the FAA would be pleased to discuss them in more detail under appropriate classified conditions.

TWA 840 INVESTIGATION

You will ask, as we did ourselves, how the TWA 840 incident could have occurred if the airport security measures were satisfactory. We and the Greek civil aviation officials have not yet finished our investigation of the case. At this point, the investigators have not reached a firm conclusion on how the terrorist or terrorists managed to get explosives aboard flight 840.

Let me state, however, that we do not now have any indication of departure from ICAO standards or negligence on the part of security forces at any of the airports.

The amount and type of explosives we strongly suspect in this case are quite difficult, but not impossible, to detect. We have been working continuously on ways to improve detection of increasingly sophisticated weapons, and we have been sharing our findings with airport and airline authorities, as appropriate. Our objective is to make it increasingly difficult for terrorists to repeat the TWA 840 incident.

BILATERAL SUPPORT FOR INCREASED SECURITY

In general, we have found support for our efforts to increase security from the countries we deal with on a bilateral basis. Nowhere has this mutual concern for security been demonstrated more convincingly than with the International Civil Aviation Organization, ICAO, in its actions last fall. The ICAO international security standard was completely revised, and most aspects of it will be implemented worldwide by May 19 of this year.

ICAO also has prepared a model security clause for use by nations in their bilateral agreements. The clause commits the parties to adhere to internationally accepted security standards and to international hijacking conventions, and permits suspension of services for breach of those standards or conventions, after consultations.

The United States has developed a model security article based on the ICAO draft. This is a little misleading because it looks like the United States is following ICAO's lead. It was the United States that convinced them to recommend a model security clause in the first place.

The draft of the U.S. Department of Transportation and the Department of State, that they are using, were our initial proposals to ICAO, which are much more stringent than the ICAO standard.

We recently concluded a strong new security article with the Soviet Union, and have reached tentative agreement with several other countries on the text of a new security article. We are including consideration of the security article in all of our bilateral aviation negotiations.

Improving aviation security is a dynamic process. We—and the carriers and our foreign counterparts—are constantly looking at all phases of our programs and making every adjustment that is needed.

FAA AIRPORT SECURITY ASSESSMENTS

Awareness of improved security measures has clearly been increased by the foreign airport assessments conducted by the Federal Aviation Administration.

The FAA assessments have concentrated on airport security performance. Where it has appeared that better trained personnel might improve performance, the FAA has so recommended. The revised ICAO security standards will require contracting states to provide training programs. In the past, the provision of training programs has been discretionary.

The United States provides several opportunities for foreign government representatives to obtain passenger-screening training, as well as other aviation security-related courses, conducted both within the United States and in the host country.

Personnel from the Rome, Athens, and Cairo Airports have participated extensively in the Anti-Terrorism Assistance Training Program. I believe in 1985, more than 130 employees from the

Cairo airport were trained in the United States, taking part in over 11 courses.

Although the details would be more appropriate for discussion in executive session, as I am sure you recognize, I would like to share with you what actions we have taken in light of recent events. The FAA, after consultation with senior representatives of U.S.-flag carriers operating overseas, took the following steps:

U.S. carriers have been required to strengthen security measures at an expanded number of specific locations.

Teams of FAA security agents are being dispatched to several foreign locations which have been determined to require this additional attention. These agents will provide technical assistance to the U.S.-flag carriers operating at those locations, the host aviation authorities, and U.S. Department of State officials.

We have expanded Federal air marshal presence in potential trouble spots throughout the world.

The Department of State issued a priority notice to its posts abroad to generate even a higher level of diplomatic activity to assist the FAA and the U.S. air carriers in their efforts.

The imposition and enforcement of sanctions against offending parties is this Department's ultimate resource in its attempt to match international security measures to the perceived threat levels.

To date, the Secretary of Transportation has not found it necessary to employ these sanctions. However, the Department stands ready to do so if necessary in the event that there is a reduction of security measures affecting the safety of U.S. citizens or aviation interests.

Measures to prevent criminal acts against U.S. aviation interests and our citizens are costly to implement and require the utmost cooperation of domestic and foreign governments, the U.S.-flag air carriers, and the passengers who fly them. The Department of Transportation is grateful to the many individuals and organizations which have contributed to the effectiveness of its efforts thus far.

We have also learned, however, that these improvements do not come without considerable cost. Measures such as positive passenger-baggage match, x ray or physical search of checked baggage, additional passenger screening efforts, and in some cases redundant passenger screening measures individually and collectively, take their toll.

These are considerations that the Department must continuously assess as it attempts to match effective airport security measures against the threat of international criminal acts against U.S. civil aviation interests. But we will not hesitate to take whatever measures are necessary to ensure the security of air travelers.

The Department of Transportation appreciates the interest and support of these subcommittees in attempting to apply reasonable security standards to what the world rightly considers to be criminal acts of violence.

In that regard, I would like to call attention to the Senate-passed bill, S. 1429, that would authorize prosecution of terrorists who attack U.S. nationals. This would do more than just fill a gap in our legal arsenal by making it a crime, prosecutable in U.S. courts, to assault, injure, murder or attempt such terrorist acts against U.S. citizens anywhere in the world.

Most importantly, this act would give our authorities a legal justification to seek out and bring to justice these criminals anywhere in the world. A major step against terrorism would be the enactment of such a measure by the full Congress.

We believe that our program to protect against terrorism here at home would be substantially aided by prompt action on a legislative proposal by the Department which would authorize the Department of Justice to make arrest records available to airport operators and airlines checking the background of potential employees who would have access to secure areas.

Not only do we need such authority at home, for obvious reasons, but also to strengthen our position in international negotiations on the same issues. We are ready and able to work with the appropriate committees to get prompt action on this proposal.

In closing, let me say that I appreciate the opportunity to talk to you again on this important issue, and I further appreciate the subcommittees' expressed willingness to take actions that would help us to combat terrorism.

I would also like to recognize, on the record, the dedicated men and women of the Federal Aviation Administration who are working in every way to assure that this program works. The Federal air marshals, in particular, are prepared to risk their lives to protect air passengers.

This concludes my prepared statement. Mr. Broderick and I will be happy to answer your questions.

[Mr. Scocozza's prepared statement follows:]

Prepared Statement of Hon. Matthew V. Scocozza, Assistant Secretary for Policy and International Affairs, Department of Transportation

Thank you, Mr. Chairman, for the opportunity to testify on the problem of international terrorism and its effect on aviation security. With me today from the FAA is Anthony Broderick, Associate Administrator for Aviation Standards, who can address questions concerning FAA's Aviation Security Program. I must point out, however, that many of the details of that program must understandably be considered classified or otherwise sensitive information, in order to protect the integrity of our security programs and the lives and safety of airline passengers. Consequently, we may not be able to answer all of your questions fully in this open hearing.

We have been asked to address several specific questions about our security programs, in the aftermath of the tragic explosion on TWA Flight 840 on April 2. You asked specifically for an evaluation of the most recent assessment of foreign airport security at the Cairo, Rome and Athens airports. When I testified before the Subcommittee on Arms Control, International Security and Science on February 19, just over two months ago, I said that the FAA had been visiting and assessing security at those foreign airports currently served by U.S. air carriers, and at those airports that are the last point of departure for foreign air carriers prior to arrival in the U.S. Our policy is to schedule assessments up to six times a year depending on the airport's threat to U.S. aviation interests. The Cairo, Rome and Athens airports each receive at least six assessments a year.

Security at the Athens airport was reassessed on March 10, 1986, and at Cairo on March 15. The Rome airport was scheduled for a formal comprehensive assessment on April 2. Because of the TWA Flight 840 bombing that day, the assessment team in Rome was redirected to make an in-depth assessment of the airport which concentrated on TWA operations and security provided for them. The last previous assessment at Rome was in December 1985.

The assessments indicate that all three airports have in place effective security programs which meet the standards and recommended practices contained in Annex 17 to the Convention on International Civil Aviation (ICAO) standards. These standards constitute the assessment criteria called for by P.L. 99-83, the International Security and Development Cooperation Act of 1985.

Additionally, the assessment reports discuss security measures that the inspectors felt might be improved at the respective airports. These concerns have been shared with appropriate foreign airport officials and officials of the affected air carriers in accordance with FAA procedures governing its foreign airport assessment program. We have, of course, been back to those airports as part of our investigation into the TWA 840 incident. Those airport authorities have been most cooperative with us and have been diligent in striving continuously to improve security measures. We do not believe that publicly disclosing those specific areas of possible further improvement would benefit the aviation security interests of either the foreign authorities or the U.S. carriers and passengers involved.

The subcommittees have been provided copies of these assessment reports and the FAA would be pleased to discuss them in more detail under appropriate conditions.

You will ask, as we did ourselves, how the TWA 840 incident could have occurred if the airport security measures were satisfactory. We and the Greek civil aviation officials have not yet finished our investigation of the case. At this point the investigators have not reached a firm conclusion on how the terrorist or terrorists managed to get explosives aboard Flight 840. Let me state, however, that we do not now have any indication of departure from ICAO standards or negligence on the part of security forces at any of the airports.

The amount and type of explosives we strongly suspect in this case are quite difficult, but not impossible, to detect. We have been working continuously on ways to improve detection of increasingly sophisticated weapons, and we have been sharing our findings with airport and airline authorities, as appropriate. Our objective is to make it increasingly difficult for terrorists to repeat the TWA 840 incident.

As I said, the authorities at Cairo, Rome and Athens have been highly cooperative in working with us. That has been true all over the world. In general, we have found support for our efforts to increase security from the countries we deal with on a bilateral basis. There have been some disagreements on the detailed measures to be employed--as you would expect when we are dealing with many different nations. However, we are confident that we will be able to work out any areas of disagreement. Nowhere has this mutual concern for security been demonstrated more convincingly than with the International Civil Aviation Organization (ICAO) in its actions last fall. As a result of an unprecedented effort, the ICAO international security standard, known as Annex 17 to the Chicago Convention, was completely revised. The amendment was adopted on December 19, 1985, was approved last week, and most aspects of it will be implemented worldwide by May 19 of this year. The Amendment introduces eleven new specifications into the Annex and upgrades the status of nineteen specifications to that of standards.

The Amendment was undertaken as a "matter of urgency in response to grave acts of unlawful interference against civil aviation," according to the Secretary General of ICAO. Secretary Dole provided strong leadership on behalf of the U.S. in urging the upgrading of ICAO's security program and the United States wholeheartedly supports the enhanced security measures included in the Amendment.

Foreign government support for upgrading security has also been demonstrated by their willingness to accept the revised ICAO standards and to improve and strengthen our bilateral aviation security agreements. As a further measure of its support, ICAO has prepared a model security clause for use by nations in their bilateral agreements. The clause commits the parties to adhere to internationally accepted security standards and to international hijacking conventions, and permits suspension of services for breach of those standards or convertions, after consultations. Member nations were asked to comment on the article by April 15, and the Council expects to make its model final during its May session.

The United States has developed a model security article based on the ICAO draft. Working with our model, we recently concluded a strong new security article with the Soviet Union, and have reached tentative agreement with several other countries on the text of a new security article. We are including consideration of the security article in all of our bilateral aviation negotiations.

Airport security procedures over and above ICAO standards and recommended practices are enacted at the discretion of the foreign authority responsible for airport operations. The FAA, in addition to working with airport authorities, has required U.S. flag carriers to apply more stringent security measures. In some cases, carriers have instituted on their own security procedures that go beyond FAA requirements. Improving aviation security is a dynamic process. We--and the carriers and our foreign counterparts--are constantly looking at all phases of our programs and making every adjustment that is needed.

Awareness of improved security measures has clearly been increased by the foreign airport assessments conducted by the Federal Aviation Administration. In fact, some governments have requested the agency to conduct assessments at airports which do not fall within the parameters of current assessment categories. While the emphasis of the agency must remain on meeting its schedule of required assessments, every effort will be made to honor individual requests for additional support by interested foreign authorities.

Training

The FAA has not examined in depth the training procedures that foreign authorities provide their passenger screening personnel. Rather the assessments have concentrated on airport security performance. Where it has appeared that better trained personnel might improve performance, the FAA has so recommended. The revised ICAO security standards will require Contracting States to provide training programs. In the past, the provision of training programs has been discretionary.

The United States provides several opportunities for foreign government representatives to obtain passenger screening training, as well as other aviation security related courses, conducted both within the United States and in the host country.

For example, in November 1983, the Congress approved the Anti-Terrorism Assistance (ATA) Program and directed that it be managed by the Office of Counter-Terrorism and Emergency Planning in the Department of State (DOS). Although the ATA program encompasses all areas of anti-terrorism, I would like to focus here on aviation security. The aviation security-related courses offered through the Antiterrorism Assistance Program are essentially the same as the Civil Aviation Security courses provided through the Transportation Safety Institute (TSI) for FAA, modified to reflect ICAO security practices. Personnel from the FAA Office of Civil Aviation Security teach these seminars. FAA personnel also participate in DOS-led teams of training specialists at participating countries to assess their security training and equipment needs and to monitor installation of security (screening) equipment to ensure its proper placement and utilization.

Personnel from the Rome, Athens and Cairo airports have participated in the ATA training program. From Rome, there were 18 who participated in November of 1984; and from Athens, 12 in August of 1985 and 22 in March of 1986. In July of 1984, 9 persons from Cairo participated. After an FAA airport evaluation in December of that year, a total of 133 persons from Cairo participated in 11 courses during 1985.

The Department of Transportation also provides aviation security training to foreign representatives as a part of its ongoing efforts to provide training to other non-FAA security personnel through resident courses at the TSI. Several foreign countries have been represented at these courses. As a part of its Enhanced Aviation Security Program, the FAA's Office of Civil Aviation Security has recently designated several full-time permanent positions to the TSI to accommodate increased training in these subjects for foreign as well as U.S. security personnel.

Improving International Aviation Security Procedures

The improvement of international aviation security procedures requires several measures: first, a clear understanding of the threat; second, the willingness and ability of like-minded governments to assess and to share information which will lead to that understanding; third, the willingness and ability of individual governments and aviation interests to apply effective preventive and counter-measures as the threat increases; and fourth, consistent, judicious assessment of appropriate sanctions against those who will not apply reasonable security measures.

The first issue, a clear understanding of the threat, is the responsibility of U.S. and foreign intelligence agencies, all of which must constantly gather and sort large amounts of information from which to derive action agendas. While this Department is not a primary resource in these activities, we can testify that efforts to obtain credible threat information by U.S. intelligence sources have been vigorous.

The second issue--the willingness and ability of our intelligence sources to share threat information with other governments--appears also to be an area of tremendous international cooperation at the present time. We are not aware of any significant instances of governments with shared security interests failing to share relevant intelligence information.

The third issue--the willingness and ability of governments and aviation interests to apply preventive and counter-measures--is the most challenging. For a variety of reasons--including economic, diplomatic, and political--it is possible to increase security procedures in some countries more quickly and more effectively than in others.

As important as ICAO efforts are to improving international aviation security standards, the ultimate burden to improve security procedures affecting U.S. aviation interests rests with the Department of Transportation and the U.S. carriers themselves. A constant dialogue and consensual agreement between the government and the airlines is necessary to design and implement appropriate countermeasures which can be realistically and economically applied.

We routinely conduct face-to-face meetings with the major affected U.S. carriers and have held additional meetings each time the threat level has escalated. We will continue to do so each time significant information is obtained. We are confident that this highly productive spirit of cooperation will continue to ensure safe passage for Americans traveling abroad.

Although the details would be more appropriate for discussion in executive session, as I am sure you recognize, I would like to share with you what actions we have taken in light of recent events. The FAA, after consultation with senior representatives of U.S. flag carriers operating overseas, took the following steps:

- U.S. carriers have been required to strengthen security measures at an expanded number of specific locations.

- Teams of FAA security agents are being dispatched to several foreign locations which have been determined to require this additional attention. These agents will provide technical assistance to the U.S. flag carriers operating at those locations, the host aviation authorities, and U.S. Department of State officials.

- We have expanded Federal Air Marshall presence in potential trouble spots throughout the world.

- The Department of State issued a priority notice to its posts abroad to generate even a higher level of diplomatic activity to assist the FAA and the U.S. air carriers in their efforts.

And finally, as we speak here today, the Department's Deputy Assistant Secretary for Policy and International Affairs and the FAA's Director of Civil Aviation Security are addressing the European Civil Aviation Conference (ECAC) Working Group on Security Problems, which consists of the representatives of aviation security and law enforcement from 22 nations. The conference agenda is almost totally dedicated to the international aviation terrorism challenge. The position and goals of the United States aviation community will be presented to the permanent members of the Conference and their assistance will be strongly encouraged to achieve those goals.

While the above efforts require painstaking attention to cooperation and the awareness of the demands placed on various participants in international aviation security, the imposition and enforcement of sanctions against offending parties is this Department's ultimate resource in its attempt to match international security measures to the perceived threat levels.

This is not a responsibility we take lightly. The provisions of P.L. 99-83 require the Secretary of Transportation, in cooperation with the Department of State, to publicize those locations which do not apply adequate aviation security measures, and if necessary, to prohibit aircraft from flying between those locations and the United States in the event such security measures are not implemented.

To date, the Secretary of Transportation has not found it necessary to employ these sanctions. However, the Department stands ready to do so if necessary in the event that there is a reduction of security measures affecting the safety of U.S. citizens or aviation interests.

The threat to U.S. civil aviation is volatile and effective countermeasures must be equally flexible. Measures to prevent criminal acts against U.S. aviation interests and our citizens, are costly to implement and require the utmost cooperation of domestic and foreign governments, the U.S. flag air carriers and the passengers who fly them. The Department of Transportation is grateful to the many individuals and organizations which have contributed to the effectiveness of its efforts thus far. The Department is also aware that what might appear to be a successful countermeasure today may be tomorrow's compelling challenge.

In general, the Department considers foreign government support to be high for upgrading airport security. During frequent discussions with U.S. carriers operating throughout the world, as well as from the FAA's foreign airport assessments, we have learned of considerable efforts by many foreign authorities to consistently evaluate and to improve airport security measures.

We have also learned, however, that these improvements do not come without considerable cost. Measures such as positive passenger-baggage match, x-ray or physical search of checked baggage, additional passenger screening efforts, and in some cases, redundant passenger screening measures individually and collectively take their toll. They require additional staffing and training, expanded equipment and space, additional gate time and passenger inconvenience. All but the last item create direct labor and capital costs--both to the host government and to the carrier--which cannot be ignored. These are considerations that the Department must continuously assess as it attempts to match effective airport security measures against the threat of international criminal acts against U.S. civil aviation interests. But we will not hesitate to take whatever measures are necessary to ensure the security of air travellers.

The Department of Transportation appreciates the interest and support of these Subcommittees in attempting to apply reasonable security standards to what the world rightly considers to be criminal acts of violence. In that regard, I would like to call attention to the Senate-passed bill, S. 1429, that would authorize prosecution of terrorists who attack United States nationals. This would do more than just fill a gap in our legal arsenal by making it a crime, prosecutable in U.S. courts to assault, injure, murder or attempt such terrorist acts against U.S. citizens anywhere in the world. Most importantly this Act would give our authorities a legal justification to seek out and bring to justice these criminals anywhere in the world. We need to be able to carry the fight to the individuals as well as to the nations that support them. A major step against terrorism would be the enactment of such a measure by the full Congress.

We believe that our program to protect against terrorism here at home would be substantially aided by prompt action on a legislative proposal by the Department which would authorize the Department of Justice to make arrest records available to airport operators and airlines checking the background of potential employees who would have access to secure areas. Not only do we need such authority at home for obvious reasons but also to strengthen our position in international negotiations on the same issues. We are ready and able to work with the appropriate Committees to get prompt action on this proposal.

In closing, let me say that I appreciate the opportunity to talk to you again on this important issue and I further appreciate the Subcommittees' expressed willingness to take actions that would help us to combat terrorism. I would also like to recognize, on the record, the dedicated men and women of the Federal Aviation Administration who are working in every way to assure that this program works. The Federal Air Marshals, in particular, are prepared to risk their lives to protest air passengers.

This concludes my prepared statement. Mr. Broderick and I will be happy to answer your questions.

Mr. **Mineta**. Mr. Secretary, thank you very much.

Mr. Chairman, at this time, although he does not have a statement, let me introduce to you the Associate Administrator for Aviation Standards, Mr. Anthony J. Broderick, of the FAA, who is here because of his own background and expertise in the subject matters we have been dealing with. Mr. Broderick and his office have been very, very helpful to all of us in this important subject matter.

Thank you, Mr. Chairman.

AMERICAN BUSINESS INVOLVEMENT IN LIBYA

Chairman **Fascell**. Gentlemen, thank you very much.

Secretary Whitehead, let's get back to this question that has been raised now, because I certainly—it is not clear in my mind.

Are Americans doing business in Libya? What is the present situation?

Mr. **Whitehead**. I am glad to have a chance to clarify that question, Mr. Chairman.

The CBS report was inaccurate. When the President imposed his sanctions in January, they were made effective on February 1. They required that all American citizens must be out of Libya by that date. They required that all commercial transactions with Libya must stop by that date.

After the President made his announcement, and as companies and American citizens were beginning to comply with these new sanctions, it became evident that a few American companies, if they were to depart on February 1, would leave behind them substantial assets which would fall into the hands of Qadhafi and the Libyan Government, and represent an unexpected and welcome windfall to him.

We were very reluctant to give him that windfall. So, the Treasury Department, working in close cooperation with the State Department, issued a small number of temporary licenses to a small number of firms, including five American oil companies, to continue a presence in Libya for a short period of time, to permit them to dispose of those assets and avoid their falling into the hands of Qadhafi.

By this grace period of time, they were given the opportunity to dispose of those assets, either by bringing them out of Libya or by selling them—even selling them to Libya—during this period of time.

These companies have continued to operate completely legally under these licenses granted by the Treasury Department. We, in the State Department and the Treasury, are monitoring the situation closely. The licenses will expire over the course of the next weeks and couple of months. The companies are completely willing to leave whenever we require them to, to leave completely whenever we require them to, and will do so as soon as it is determined that we have salvaged all the value of those assets that it is possible to salvage before the companies leave completely.

There is no division between Treasury and State. We are working cooperatively together. Treasury has the specific lead in the issuance of the license; and, for details of that, you might want to talk to Treasury officials responsible for the issuance of the licenses.

I hope that clarifies the situation, Mr. Chairman.

EMBASSY SECURITY BILL

Chairman **Fascell**. Well, it does somewhat, Mr. Secretary, I must say. It depends entirely on how long that kind of an effort will have to be sustained.

I have two other questions. One concerns the comprehensive antiterrorism bill which includes, $4.1 billion for U.S. Embassy security, and a whole host of other policy matters, which has been adopted by the House. It is pending in the Senate. I would hope that both Transportation and State can prevail upon the Senate to enact that bill as rapidly as possible, and incorporate other measures which have come to light in the Senate as part of their consideration of the legislation.

Mr. **Whitehead**. We are urging your colleagues in the Senate, Mr. Chairman, to pass that bill as promptly as possible. The new flurry of terrorist actions in the last week, particularly those directed at our Embassies, gives further evidence to the importance of that bill and the importance of giving better protection to our Embassies and our Embassies' personnel, many of whom are now at considerable danger, more than was true a few weeks ago.

ICAO ACTIONS

Chairman **Fascell**. In the improved standards and other actions adopted by ICAO, is one of them a sanction on airports?

Mr. **Scocozza**. No, it is not, Mr. Chairman. They are basically standards that relate to the actual security procedures implemented by the governments and at the airports. The only bilateral measure taken by ICAO, a measure that involves multilateral coordination, is the security clauses that would be put in bilateral aviation agreements among the ICAO member countries.

Chairman **Fascell**. In these bilaterals which the U.S. is negotiating, what is the enforcement mechanism?

Mr. **Scocozza**. Termination of the agreement with our partners. If an individual aviation partner fails to apply the ICAO standards or meet certain security measures negotiated with the bilateral partner, if we are not satisfied those measures are implemented, we shut off services. We could ultimately terminate services between our airports and the airports of our bilateral partner.

Chairman **Fascell**. That is included in the bilateral contract? That is what I am getting at.

Mr. **Scocozza**. Our agreements have an all-encompassing clause that says failure of any government to apply the procedures or to respect the individual provisions of our bilateral agreements could ultimately result in termination of the agreement altogether; no services at all.

An example, Mr. Chairman, would be with the Government of Peru. It did not involve a security problem, but we had serious violations of the provisions of our bilateral. We terminated services. We no longer fly between here and Peru directly.

LIBYAN AIRLINE OPERATIONS IN EUROPE

Chairman **Fascell**. How would we get at the problem of Libyan Airline flights into Europe? That would not be a function of the bilaterals with anyone; or is it?

Mr. **Scocozza**. At the present time, we have—the Secretary signed an order—and I will get you the exact date; I believe it was February 1 or 19, I am not sure—which prohibits direct air service between Libya and the United States. In other words, a Libyan passenger couldn't buy a ticket to come to the United States; no American passenger could buy a ticket to go to Libya.

This has no impact on Libyans or Europeans flying between European points and, of course, Libya.

Mr. **Whitehead**. Mr. Chairman, I might add to that, there is no way we can require our allies in Europe to terminate air traffic back and forth between their countries and Libya. But we are urging them in the strongest possible terms that they do so in their own interests.

Most of the European countries have reduced the number of flights between their capitals and Tripoli. I would say some—Great Britain—has terminated flights completely. Others are down to one flight a week; some, three flights a week. None are more frequently than three flights a week, from Tripoli.

We urge our allies to terminate those flights entirely because we believe the Libyans are using those flights as a means of importing terrorists into those countries. We have urged that, if they don't terminate the flights, at least they should screen more carefully the passengers that arrive in their countries on those flights than they would passengers that might arrive from Washington or New York.

Chairman **Fascell**. Thank you, Mr. Secretary.

Chairman Mineta.

IMPLICATIONS OF LIBYAN BOMBING

Mr. **Mineta**. Let me ask Secretary Whitehead first did you take into account that retaliatory action might be taken against the American hostages being held in Lebanon for the bombing of Libya? And what are your plans for securing the release of the remaining hostages?

Mr. **Whitehead**. Prior to the President's decision on the strike against Libya, consideration was given to the risk that that action might—additional risk that might come to the American hostages from that action. But it was felt that that was a risk that we had to take; that we simply could not stand idly by and allow other hostages to be taken with impunity and to allow other terrorist acts to be committed with impunity.

Efforts continue, active efforts continue, to obtain the release of the hostages. I cannot describe them in detail, but I can assure you that we are leaving no stone unturned in our efforts to obtain their release. We constantly challenge those who hold the hostages to release them as quickly as possible. We are continuing to exert every effort to that end.

Mr. MINETA. Because a member of a constituent family was held as part of the seven I have been following that from early on. Reverend Ben Weir, of course, as everyone knows, has been released.

WAR POWERS AND TERRORISM

Given the last-minute notification to Congress about the Libyan bombing, can I ask why the administration would like to loosen the provisions in the War Powers Act still further? Could you elaborate on how you would like to weaken the War Powers Act?

Mr. WHITEHEAD. When the War Powers Act was passed, it was not passed with the kind of terrorist threat that we now face in mind. It was passed with the idea that war would begin with a declaration of war against an unfriendly nation, a declaration which would be considered—which could be considered for days or weeks or months by the Congress and by the American people before the declaration took place.

Terrorism brings about a new set of circumstances. It doesn't involve a declaration of war. We have been, as I think Chairman Fascell knows, very conscious of his concerns about complying with the War Powers Act. And we have done our best to comply with them under these new circumstances.

So, we feel that in due course the Congress should give consideration to updating the War Powers Act to allow for the kind of situation that terrorist threats represent.

Mr. MINETA. Any specifics on the updating?

Mr. WHITEHEAD. We, I think, are working together on that and will bring forth specific thoughts to you in due course.

Chairman FASCELL. Will the gentleman yield at that point?

Mr. MINETA. Absolutely.

Chairman FASCELL. Let me say, Mr. Secretary, your explanation as to why the War Powers Act was adopted is not accurate. It was not adopted for that reason.

The issue was more than war powers. The issue is a question of constitutional power, one held by the President; the other held by the Congress. Whether or not legislation which has now been introduced will in effect get around the War Powers Act, whether it satisfies the constitutional requirement, I am quick to say I doubt it.

Nevertheless, our subcommittee will hold hearings on that entire subject as we consider not only this specific act but also legislation which seeks to amend war powers and, in fact, seeks to amend the Constitution.

The constitutional question is whether or not Congress still has the right to declare war. The constitutional question is whether or not acting in self-defense anywhere in the world, any time, in order to meet an act of terrorism, is still an act of war. Every country has the right to self-defense, obviously. But that doesn't solve the constitutional question.

So, the dialog has now been started. That was one of the purposes of the War Powers Act. We will continue the dialog, hopefully, and get a resolution of the problem.

I thank the gentleman.

Mr. MINETA. Thank you, Mr. Chairman.

AIRPORT SECURITY STANDARDS

Secretary Scocozza, I would like some clarification on the standards that the Department of Transportation and the Federal Aviation Administration uses to assess security at foreign airports. In the legislation that we passed last summer, we said that assessments were to be based upon, and I quote, "at a minimum," the standards and appropriate recommended practices of annex 17 to the ICAO convention.

When we passed this legislation, we contemplated that there would be airports with a high terrorist threat at which the assessment would be passed on standards which were higher than the standards and appropriate recommended practices of annex 17.

When you testified in February, I asked you whether there were airports at which you were using the standards which exceeded the minimum of annex 17 standards and practices. I understood your answer to be that there were airports at which you used higher standards.

Your testimony today raises some question in my mind as to whether you are, in fact, using standards exceeding the minimum.

On page 4 of your testimony, you say that security procedures over and above the ICAO standards and recommended practices are enacted "at the discretion of the foreign authority responsible for airport operations."

On page 2 of your testimony, you state that the airports at Athens, Cairo, and Rome have in place security programs meeting the standards and recommended practices of annex 17, and that these standards are the assessment criteria called for by the new law.

I would like to get a clarification on the standards you are using to conduct your assessments. Are there any foreign airports for which you are using standards higher than the minimum prescribed by law? Are you using higher standards for the airports at Athens, Cairo, and Rome?

If not, why not, in view of the apparent high terrorist threat at these airports?

Mr. Scocozza. Thank you, Mr. Chairman.

Your question is most well taken, as I look at the testimony. It seems we can look at testimony time and time and time again, but things, obvious problems such as you pointed out, don't really stand out—sometimes you can't see the forest for the trees.

The point you are making is well taken. There are at a minimum the ICAO standards insisted upon at all individual airports. We have to work very closely with the Department of State, the CIA, the NSC to get the best intelligence we have about the actual risks at certain airports. We do, in fact, require higher standards where the risk at the individual airports requires that.

Something that is in the public domain already—and I am free to discuss—as an example, is Athens, for instance. The ICAO standards require screening and mechanical processing of carry-on baggage. But we do have redundant screening. We do have a second mechanical screening of the passengers that go onboard. That certainly is well above the ICAO standards.

We also are requiring the physical search of a lot of bags that go in and out, even after they have gone through the mechanical devices.

I do, in fact, have with me today, Mr. Chairman, a recent update of new security procedures that are going to be used in all of the European airports which are far and above the ICAO minimums. I would like to provide a copy of this for the committee's review.

I would prefer not to discuss this in open session. I would be delighted to discuss it in a closed session. The material is available for your in-camera review.

UNITED STATES-SOVIET AIRLINE SERVICE

Mr. MINETA. Mr. Secretary, on page 4 of your testimony, as submitted for the record, you note the United States-Soviet Union bilateral agreement contains strengthened provisions on security. How is the Soviet Union's support of Libyan terrorism and Colonel Qadhafi being factored into our reopening of airline service between the United States and the Soviet Union?

Mr. SCOCOZZA. Mr. Chairman, in terms of the commercial aviation agreement between the United States and the Soviet Union, we have kept it purely on those commercial grounds. If there is a political consideration that would require us to take some sort of action with our bilateral aviation commercial agreement, the Department of Transportation is certainly prepared to do that.

As you recall, the agreement was canceled for political grounds 2 or 3 years—3 years ago. But, in terms of our present negotiations, which we concluded before the last summit, it was based upon purely commercial aviation grounds and the important requirement of a strong security measure being put in there.

Mr. MINETA. Why would that not be factored in, given this current state of affairs in our relationship with Libya?

Mr. SCOCOZZA. That is certainly a foreign policy consideration, whether or not to provide—to require even more security procedures, considering their relationship with Libya. But, once again our aviation commercial bilateral agreement was concluded several—2 months ago, I believe, before all of these latest developments.

That is really a foreign policy call if we should take some type of measures against the Soviet Union which may ultimately even cancel the bilateral aviation agreement completely.

DOT RESPONSE TO AIRPORT SECURITY DEFICIENCIES

Mr. MINETA. Mr. Secretary, I would also like to clarify the procedures that you are using when you find deficiencies in security at foreign airports. The legislation we passed contemplated that when security was deficient, the Department of Transportation would make this determination and formally issue a notice to the government of the foreign country as to what it had to do to bring the airport up to standards.

The Department of Transportation notice would trigger a procedure to be followed if the airport failed to make the required improvements. If the improvements were not made, the law required that the public be given notice of that security problem. Notice was to be given to the public in 90 days in most cases, and immediately if there was a condition that threatened the safety or security of passengers.

I get the impression from your testimony that when you find deficiencies, you are not following the procedures of the law. Rather, it appears that you are giving the airports a satisfactory rating and asking them to remedy deficiencies without the pressure of a deadline, after which the public will be given notice.

On this point, could you first tell me whether there are any airports at which you have issued a formal notice to a foreign country that there are deficiencies, and that the public will be given notice in 90 days unless the situation is remedied?

If this step has not been taken, how can you reconcile the procedures required by law with your approach of making recommendations, but not issuing a formal notice invoking the 90-day deadline?

Mr. SCOCOZZA. Thank you, Mr. Chairman.

In terms of your questions, I will try to answer it a piece at a time.

There are no airports which are presently connected to a country that has received a 90-day formal notice from the United States of America. However, there are a number of airports—about 17 airports—that we have been working with on a very, very detailed basis, even before the legislation was passed. We have had a tremendous amount of success in resolving a lot of problems.

For instance, the Rome, Athens, Cairo airports have had seven, eight, nine visits. Let me correct myself. I believe at least as many as six visits at Rome and Athens since last summer.

We have had a tremendous amount of success, which did not lead us to believe that we had to resort to a formal notification to the Government. We have been able to resolve a lot of our problems within a matter of weeks.

But our investigation procedure is dynamic. We are continually going back and following up on making sure things have been followed through.

In terms of notice to the public, there is no question that if, after 90 days of a formal notice period, we immediately issue a travel advisory—and notices have to be put on the tickets themselves—what we also have the right to do, Mr. Chairman.

Mr. MINETA. Mr. Scocozza, I don't want you to reiterate the law. We know the law. We passed the law.

What I am asking is, why is the law not being observed?

Mr. SCOCOZZA. Mr. Chairman, the law is being observed.

Mr. MINETA. You are not issuing the notices. You are in effect saying here are these airports; we are going to give them a satisfactory rating, and we want you to work these things out.

Mr. SCOCOZZA. Mr. Chairman, we have a list of security airports which are high risks. There is a classified list of 17 airports where we have a high risk. Those airports are put on that list because of the intelligence we get from our intelligence community. If we find that there are malfunctions or security procedure problems at that airport, that could potentially put a traveler in jeopardy, that is where we believe the 90-day notice period would be initiated instantly.

However, if we see a lackadaisical attitude, perhaps, in one security procedure or another, we believe we can take care of that instantly by our onsite FAA and Department of State inspectors who are on the scene and have had cordial and receptive cooperation from the governments. We have been able to resolve problems within a matter of a week or 10 days.

Mr. Smith of Florida. Will the gentleman yield?

I appreciate the gentleman yielding.

Mr. Scocozza, let's deal with a specific one. I want to know how you approach this. I think Chairman Mineta is going exactly where we need to go.

The TWA jet bombing which took place a few weeks ago was done by a woman, or we think it was done by a woman, who got on at Cairo after transiting from Beirut to Cairo on Middle East Airlines. Middle East Airlines uses Cairo Airport and has not been thrown out of Cairo Airport.

According to the law, you have to look at those foreign airports which pose a high risk of introducing danger to international air travel. We have already talked here for a year about Middle East Airlines and what occurs, due to the fact that a lot of people transit from Beirut, which is totally unsupervised and uncontrolled, all around the world.

Did you ever ask the authorities in Egypt to ban Middle East Airlines from flying into Cairo, as part of our certification process?

Mr. Scocozza. The answer to that is no.

Mr. Smith of Florida. Let me go further.

If that answer is no, doesn't that now pose a high risk of introducing danger to international air travel because we know for a fact that there are practically no controls on anyone that comes out or flies out of Beirut on Middle East Airlines?

Mr. Scocozza. Congressman, I have to respond to that in terms of how we look at that particular situation. We have not required governments to stop service between themselves and Libya. As Secretary Whitehead mentioned, we have strongly suggested to the governments that that should be the course that they take.

However, we do require security procedures to take place when people process themselves through those airports. Before somebody gets on a TWA plane, off a potential Middle East flight, they have to go through that airport security procedure. That is where we focus our attention in terms of our inspection of the security measures at that individual airport.

Mr. Smith of Florida. What you are telling me is that though you acknowledge that Middle Eastern Airlines poses a risk, if they land at an airport, that secondary measures taken at that airport are sufficient.

In terms of Cairo, they are sufficient?

Mr. Scocozza. As far as we can tell, Mr. Smith. From our inspection procedures, that is correct.

Mr. Smith of Florida. I would have to agree with the Chairman, you are not comporting with the letter of the law.

CRITERIA FOR ISSUING TRAVEL ADVISORIES

Mr. Mineta. Is it true you have no hesitancy in recommending travel this summer to these 17, 19 airports, anywhere in Europe, the Middle East, this summer?

Mr. SCOCOZZA. Mr. Chairman, travel guidelines have been issued by the Department of State. Secretary Whitehead and Ambassador Borg would be best to respond to that.

But, in terms of our responsibility, and looking at the security procedures that are in place in the individual airports, we don't, on this date have a reason to begin those formal procedures. So, we don't believe at the airports that we are today inspecting, there is a life-threatening situation or a safety, security issue that leads us to believe that air service should be stopped or halted.

Mr. MINETA. Mr. Secretary, could you show me in the law where it says life-threatening?

Mr. SCOCOZZA. In terms of the guidelines in the law, Mr Chairman, we don't believe at this particular time on this date—tomorrow perhaps, tonight perhaps—but on the best information I have as of this hearing, we don't believe the situation suggests that with the guidelines given to us in the Security Act that was passed last summer, that there is cause to halt or change or alter aviation service between the United States and Europe.

Mr. MINETA. You would recommend travel without hesitancy?

Mr. SCOCOZZA. Yes, Mr. Chairman.

Mr. WHITEHEAD. Mr. Mineta, may I add a word to your question, or in response to your question?

The State Department has and feels a responsibility to advise American citizens about the dangers and risks of their travel abroad, because of the information and knowledge that we have about the risks to American citizens in such travel.

All of us know from the daily newspapers that in the last few weeks there are more risks in traveling in the Mediterranean area and Europe than there were prior to that. Yet, those risks have not yet seemed sufficiently severe to the State Department with the knowledge that we have as to advise American citizens to not travel there. We do advise American citizens who do travel in the Mediterranean and in Europe to be careful.

It is obvious that there are certain dangers now from terrorist acts. And when American travel, they should be very careful. They should be very watchful and they should think carefully where they go and what they do and when they arrive at the foreign countries that they are visiting.

But we do not yet believe that the situation is such as to urge them not to make their vacation or business trips.

Chairman FASCELL. Mr. Broomfield.

CONGRESSIONAL CONSULTATION ON LIBYAN ATTACK

Mr. BROOMFIELD. Thank you, Mr. Chairman.

Mr. Chairman, at the outset I want to say I am pleased you will have hearings on the War Powers Act. I would like to say this, though, in defense of the administration: I was one among other Members, leaders, that were called to the White House about 4 o'clock prior to the air attack on Libya; and I have to say that the administration, including the President, leveled with all of us on what was going to happen.

I think it pointed out, however, that even though it was a small number of Members that were invited there, unfortunately there was some information leaked out at the time the attacks were going on, and the news media was able to determine from that that the President was going to go on TV at 9 o'clock. It was very dicey.

I think it points out that when we review the War Powers Act—and I participated in the process when that legislation went through, and cosponsored the War Powers Act—that things have changed a great deal.

I just want to say that I think the chairman, is right; I think we need oversight. I think we are dealing in a situation whereby the President must have some flexibility. The numbers of people that are involved in knowing what is going on must be very limited and held very close. Otherwise, we are going to jeopardize a lot of American lives.

STATUS OF LIBYAN BUREAU

I would now like to say this, Mr. Secretary: I wonder what we are doing in this country as far as the Libyan Bureau? I understand there is one up in New York.

Wouldn't they have diplomatic access there? Haven't they been using diplomatic pouches in some of these foreign countries to get their explosives? Are we taking steps to do away with the Libyan Bureau in New York?

Mr. Whitehead. We closed the Libyan Embassy, which they called the Libyan People's Bureau, in Washington in 1979, I believe.

The Libyan People's Bureau in New York is a United Nations bureau.

Mr. Broomfield. I understand.

Mr. Whitehead. That is their Ambassador to the United Nations.

We do not have the power to close that down.

Mr. Broomfield. We don't have any control?

Mr. Whitehead. Not over the United Nations bureau. You can be sure, however, that we are closely observing the people and the activities of the people who are in that bureau.

EUROPEAN ACTIONS AGAINST LIBYA

Mr. Broomfield. I think the administration has been very patient in dealing with Mr. Qadhafi. I am just wondering now, in view of the fact that many of our European allies have been reluctant to go along with economic or political action against Qadhafi, if our action in the air strike hasn't prompted them to take another look at the situation?

Are they going far enough? As I understand developments yesterday, the European Community, agreed to limit the size and activities of the Libya People's Bureau in Europe.

Is that true?

Mr. Whitehead. Yes, that is true.

The Europeans' actions have been disappointing to us. They have not moved as fast as we would have liked them to—not before our military action and not since our military action.

Each of our European allies has done something. Each of them are moving—some faster than others; some, unfortunately, slower than others. But each of them are now moving.

As you suggest, our military strike has prodded them, has awakened them that we have got to move together faster.

So, while disappointed in their—in the slow progress, we are resisting the temptation to criticize them too harshly. We are welcoming the limited measures that they so far have taken, and we continue to prod them as hard as we can to do more.

STATUS OF LIBYANS LIVING IN THE UNITED STATES

Mr. **Broomfield**. Are we putting any restrictions on the Libyans who are living here under visa right now?

Mr. **Whitehead**. There are a number of Libyans living in the United States with visas. Mostly, they are students. We have considered whether we should send them back home to Libya, and so far have decided not to do that.

There will be a future for Libya after Qadhafi. And, to have a number of educated Libyans who have been exposed to education in the United States, learned something of our values, and may in the long run hopefully lead a more stable Libya; a Libya that will be more part of the world community than it is today.

So, we have been reluctant to send all of those students back home again and have them leave our educational system. But we are observing them closely.

Maybe Ambassador Borg, who has this directly under his responsibility, would like to say a further word about the Libyans in the United States

Mr. **Broomfield**. I wonder how many we have here in the country right now?

Mr. **Borg**. I think it is in the hundreds. I don't have an exact figure on it. Again, it is the FBI that has the responsibility for keeping tabs on them.

I think that their estimate is that it is no more than, say, one-twentieth to one-tenth of those Libyans who are in the United States who might be sympathetic to Qadhafi. Most of them are reluctant to say anything in public. When they talk privately, they have said "look, we don't want to have anything to do with politics; we are here as students.

Mr. **Broomfield**. I am glad to get that report.

I heard on the radio, I think last night, that Britain is still training Libyan pilots. I certainly hope we are not training Libyan pilots.

Mr. **Whitehead**. We are not; and I don't think it is accurate that Britain is training Libyan pilots. They did at one time, but I believe they have terminated it.

Mr. **Broomfield**. Thank you very much.

Mr. **Whitehead**. I think—it is my understanding that the number of Libyans in the United States is somewhere between 2,000 and 3,000.

Chairman **Fascell**. Chairman Mica.

Mr. **Mica**. Thank you, Mr. Chairman.

DOT INTELLIGENCE GATHERING

I will just take a moment again to commend you on continuation of these hearings. I might just add that information that I have had as recently as yesterday indicates that we need to continue to stay on the highest state of alert after the Libyan incident.

I would just ask you, where are you with regard to our plans for alert? I guess, Secretary Whitehead, for staying on alert. And are you being constantly apprised of the most current developments, that is, things that are going on around the world with regard to terrorism as of late yesterday?

Mr. WHITEHEAD. Yes, sir; we are constantly advised. We have a steady flow of information from our embassies and from intelligence-gathering agencies of the Government as to terrorist acts and planned terrorist acts.

INFORMATION SHARING WITH ALLIES

Mr. MICA. Have we shared the events of the last 24, 48 hours, and are we sharing on a regular basis with all our European allies?

Mr. WHITEHEAD. We share as much of the information as we possibly can—protecting our sources of information, where necessary, but sharing the information with our allies, because it is largely up to our allies' police forces to cope with the problems presented by possible terrorist acts.

PROSPECTS FOR INTERNATIONAL COORDINATING COMMITTEE

Mr. MICA. Are you aware of any movement on our proposal to attempt to create a Cocom-type situation with our allies and our European friends to deal strictly and totally with terrorism?

Mr. WHITEHEAD. We are working toward that. Some countries are so far behind us in their progress toward terrorism that they are not ready to participate. And so we have been—we are pushing each country to the extent that it can be pushed.

Our friends in Great Britain would be delighted to join with us in such a program, but our friends in Greece, for example, have yet to recognize publicly that Qadhafi and Libya are involved in terrorist activities. So, with them, we have quite a long way to go.

Mr. MICA. Have they been shown the information that the President has indicated he has in his possession and rejected out of hand?

Mr. WHITEHEAD. Yes, they have.

Mr. MICA. No questions about it?

How about the information with regard to increased and stepped-up activities around the world in the last 2 or 3 days? Is there information regarding the activities of Libyan agents being shared and their rejecting that out of hand?

Mr. WHITEHEAD. So far, they have rejected it; yes.

Mr. MICA. You know, I won't use my full 5 minutes, but if any kind of information that we have that is made available to us is even partially correct, we are on the verge of another major wave of terrorism around this world. If our allies can't deal with that at this point, I don't see any hope. I don't know what we are going to do.

I think we may have to take a stronger position with them in these negotiations because there will be bloodshed. Every indication is that activities around the world are stepping up and increasing; all types of activities are being reported to us on a daily basis. The end result, the goal of this activity, is increased terrorism.

We can't seem to get any cooperation. I find it very disheartening and disillusioning. I hope that after it is all over, when the next attack comes—as it surely will—we can look back and say we had done everything we could to get our allies apprised and involved in the situation that is at hand.

Chairman **FASCELL**. I thank the Chairman.

Mr. Gilman.

Mr. **GILMAN**. Thank you, Mr. Chairman.

I certainly want to welcome Secretary Whitehead before us, and the other gentlemen.

ESCALATION OF TERRORIST ATTACKS

Mr. Secretary, I have a report before us that the committee has of the number of incidents in just the last week: U.S. Embassy communications officer in Khartoum shot in the head—strong Libyan connection suspected; two firebombs thrown at the Marine guard house in Tunis—Libyan connection suspected; two grenades thrown at the front of the U.S. Embassy in Costa Rica; American Officers' Club in Ankara attacked by explosives—strong Libyan connection; U.S. Ambassador's residence in Lima, the perimeter wall, a bomb thrown at it—Libyan suspect; American Consulate in Songklu, in Thailand, four- to five-pound bomb thrown over the fence.

Is this an increase in the amount of terrorism that has occurred since our bombing; or is this about standard of what has been going on?

Mr. **WHITEHEAD**. It is an increase, Mr. Gilman. It is a substantial increase.

I should add, though, that it is not all Libyan terrorism that represents the increase. It seems to be scattered. Much of it is disorganized and not connected with a nationally directed effort; and it is, as Congressman Mica said a minute ago, a big, new flurry of terrorist activities that we now seem to be facing.

EUROPEAN COOPERATION IN FIGHTING TERRORISM

Mr. **GILMAN**. Mr. Secretary, you just returned from a European tour to try to encourage cooperation. I suspect you are going out again shortly.

Do you find that there is a move toward cooperation, a willingness by them to really pitch in and work with us to try to combat terrorism?

Mr. **WHITEHEAD**. Yes, sir; I do.

I got back on Sunday from 3 days in Europe. I leave again tomorrow for some other sessions. I do feel that there is all of a sudden a better understanding that this is a very serious problem for all of us; and a realization that these European countries have been very slow to recognize the problem and to take action. I think that their cooperation is now moving along rapidly.

And, while I am very disappointed in their past results, I am reluctant to criticize them at the very moment in which they seem to be recognizing the problem and willing to do something about it.

Mr. GILMAN. I would hope we will get something more than rhetoric.

I was looking over the statement by the Ministers of Foreign Affairs of the 12 members of the European Community on international terrorism and the crisis in the Mediterranean. While it is a very nice statement and says important things, I would hope they will back it up with substantive action.

I hope your further efforts will result in something more substantive in quality.

Mr. WHITEHEAD. We hope so, too. We are urging each country to adopt a variety of specific measures. We are being very specific with them as to what we think can be helpful. And I think they are beginning to respond.

The public, in most of these countries, is ahead of their governments; and when the public gets concerned about a problem, it has been my experience both here and in Europe that the governments respond eventually, if not immediately. So, I am optimistic that we will begin to see more progress.

On the other hand, the danger is now more severe. So we are very likely, while we see progress in fighting the problem, we will see the problem getting worse.

Mr. GILMAN. Certainly, international cooperation is going to be the most effective tool in this battle. I hope you are going to be successful in convincing our allies to do what has to be done.

AIRPORT INSPECTIONS

Mr. Scocozza, how many airports has your department inspected over the past year?

Mr. SCOCOZZA. Mr. Chairman, we have scheduled 130 airports from last August.

Mr. GILMAN. How many have you actually inspected?

Mr. SCOCOZZA. We have more than half. More than half are completed. When I say more than half are completed, some are scheduled for six annual visits; some are scheduled for as little as two annual visits.

Mr. GILMAN. In a little less than a year, you have visited about 60 airports; is that what you are saying—60; 70?

Mr. SCOCOZZA. Approximately.

Mr. GILMAN. What do you do with the reports after you analyze them? Where are they sent? How do you complete whatever your recommendations are?

Mr. SCOCOZZA. We will very shortly be submitting to Congress an analysis of all of the inspections that have been done within the last 6 or 7 months. We have to do that biannually.

Mr. GILMAN. What about the sharing of your information with the host countries?

Mr. SCOCOZZA. When there is information—as I was responding to questions by Congressman Mineta earlier—when we find things that cause us concern, we immediately—not waiting for the team to come back to Washington, but immediately consult with the government.

As I said, we have had a very cooperative attitude by a lot of the governments to resolve the problems then and there.

Mr. **Gilman**. What about sharing it with our carriers?

Mr. **Scocozza**. The carriers are an integral part of the security system at those airports. The carriers are part of the solution.

Mr. **Gilman**. Do they get immediate advice on your findings?

Mr. **Scocozza**. They do.

Mr. **Gilman**. Do they have an opportunity to make some input on recommendations?

Mr. **Scocozza**. They do.

Mr. **Gilman**. What about the countries that are reluctant to allow additional security? I guess you call it redundant security. Are there a number of countries that refuse to allow our carriers to implement some additional security at the airports?

Mr. **Scocozza**. Last summer, Congressman, I would have said yes. Since that particular time, we have had a lot of success in getting a lot of redundant pieces of equipment into airports. We have accomplished that in Rome.

There was a longstanding problem in Cairo. That was resolved last summer.

To the best of my knowledge, we don't have a serious problem with any individual country with the placement of any security equipment that we feel is necessary.

Mr. **Gilman**. If you were to find that kind of an objection or denial, what would your recommendation be?

Mr. **Scocozza**. If it were a high-risk airport or an airport that had a substantial risk, we would probably issue a 90-day notice immediately. However, if the risk——

Mr. **Gilman**. A 90-day notice of what?

Mr. **Scocozza**. A 90-day notice that we are telling the government that, if that problem is not resolved within 90 days, while we are prepared to consult with them to resolve the problem, that we would issue a travel advisory. That would be the ultimate resolution of that issue and perhaps ultimately result in cutting off services.

There is also another route we can take. If we believe—let's just make a hypothetical. For example, we believe the only way the security system can be resolved to our satisfaction is having redundant screening, and the government refuses to do it and shows no likelihood of improving the situation, and we realize that we can't wait those 90 days to have it resolved, we have the authority to stop air service right then and there after consultation with the Department of State.

Mr. **Gilman**. Have you issued such warnings to any countries so far?

Mr. **Scocozza**. We have not.

IFALPA BOYCOTT POLICY

Mr. **Gilman**. Recently, the International Federation of Airline Pilots Association announced it would authorize its leaders to boycott any airport they considered not secure.

What are your thoughts with regard to that resolution?

Mr. **Scocozza.** I really can't put myself in the seat of a pilot, but I certainly understand their concern. They see those airports much closer than a lot of our FAA inspectors are allowed. We don't have access to all of the portions of an airport. We have to get permission. The Department of State works very hard in getting access to all of the parts where American carriers are located.

Mr. **Gilman.** Have those pilots made requests of your office?

Mr. **Scocozza.** Not of my office, no, they haven't.

Mr. **Gilman.** Are you aware of any recommendation that association has made to our Government?

Mr. **Scocozza.** I don't believe—we work with them on a regular basis. I don't believe, to the best of our knowledge, they have sent any recommendations about any specific airports.

Mr. **Mineta.** Will the gentleman yield?

Mr. **Gilman.** I will be pleased to yield to the gentleman.

ACCESS TO SECURED AREAS AT AIRPORTS

Mr. **Mineta.** Did you say you don't have access to some parts of the airport?

Mr. **Scocozza.** Without asking permission, Congressman. We have to work very closely with the Department of State and the foreign government to have access to secured areas.

Now, as a matter of course, we almost automatically have access to any area to which an American carrier has access But if we want to look at certain secured positions on the tarmac or in the security offices, where even our own carriers aren't allowed to go, we have to get the specific permission of the foreign government.

An important point to keep in mind is, just this year, as I testified before this committee in February, we felt very strongly that ICAO had to have an inspection team. As an international organization, they would as a matter of right have access to every aspect of the airport without asking permission, because they are part of the ICAO community.

Starting in March of this year, President Kotaite of ICAO started international aviation inspections which are certainly enhancing the inspection functions of the Federal Aviation Administration.

Chairman **Fascell.** Chairman Anderson.

Mr. **Anderson.** Thank you, Mr. Chairman.

Secretary Whitehead, in listening to the questions and answers here this morning, I have been sort of getting vibes about a casual attitude. That bothers me.

THREATS TO AMERICAN TOURISTS

Do you think it is safe for American tourists to travel abroad this summer, particularly into Europe and the Middle East? I would like to bring it down to something fairly simple.

Mr. **Whitehead.** As of today, sir, yes, we do, if they use care and caution and commonsense.

Mr. **Anderson.** "They," being who?

Mr. **Whitehead.** The tourists.

Mr. Anderson. I am a little worried. Maybe we ought to be a little more serious about tourism this year, with all that is going on. At least that is the feeling I have.

PUBLICIZING IDENTITIES OF HIGH-RISK AIRPORTS

What is your position on the requirement that the names of unsafe airports be posted in the U.S. airports as well as published in the Federal Register? And would this requirement make it easier for a terrorist to select his or her own target?

Mr. Whitehead. Well, I would be in favor of publishing the names of unsafe airports, and I suppose the terrorists would not change their conduct particularly based on whether or not we had published a list.

Mr. Anderson. Are we doing that now?

Mr. Whitehead. I don't know.

We do publish the list when we make a determination that the airport is unsafe, I am told by Mr. Scocozza.

Mr. Anderson. Do we put that up in our own airports so potential travelers can see that and we know these things? I have never seen one.

Mr. Whitehead. The law requires us to, and we do.

Mr. Anderson. Have you done it?

Mr. Mineta. Will the gentleman yield?

Mr. Anderson. Sure.

Mr. Mineta. If I might pick up on this question, again I go back to my earlier question: You never get to that notice to notify U.S. passengers of the security deficiencies of a foreign airport unless that trigger of the 90-day has occurred. You have never even thought about triggering the 90 days, so we never get to the point of a notice to the public saying, "hey, hold it, this airport in country X may be unsafe." We never get there, because you never trigger the 90-day notice.

That is what Mr. Anderson is driving at. That is what I was driving at earlier.

Mr. Scocozza. Congressman, if I could, I appreciate the point you are making. It is well taken.

The 90-day notice period means that there are problems at an airport that we believe we have to bring to the official attention of the government, because we don't believe there is an absolute cooperative atmosphere on the lower level. That is not published publicly, that 90-day notice. The public is not advised that we are in consultation with the government of a nation to resolve a security problem. They are only advised at the end of 90 days if we have not been satisfied that our problems have been taken care of.

What we have been able to do, Congressman, is resolve our problems in a very, very short period of time. Now, when we make an immediate determination, we go to an airport and say, my gosh, this is so serious that we have to immediately put this airport on a hot list or a blacklist, or whatever, that would be posted in every airport.

We would use the Department of State, through all of its channels, through all of the travel agents, as we went into in the last hearing before this committee; explain that there is a public outreach program that would immediately go in place as soon as we reached the determination that the airport was in fact unsafe. But we are able to resolve a lot of those problems immediately.

We now have travel advisories for travel into Iran, into Lebanon, and I believe Afghanistan and South Yemen.

The information to the public and the public outreach program has already taken place. That was actually before the law went into place.

But if we come to a situation, Congressman, where we believe there are some things at a particular airport that we are not getting cooperation with, we immediately go into a 90-day notice period with the government and try to resolve that through diplomatic channels.

However, if our concerns are serious enough, we would take a sidestep and immediately issue a notice to the public, put the airport on a list that travel to and from that airport is unsafe.

Mr. ANDERSON. Have we done that?

Mr. SCOCOZZA. We have not done that.

Mr. ANDERSON. That is my problem. I thought by this time there would be some direction to some of us not to go to some of these places.

SUSPENDING AIR SERVICE

As you might already know, when I chaired the Subcommittee on Aviation, I introduced a comprehensive airport security and terrorism bill that, among other things, directed the Secretary of Transportation to suspend air service between the United States and security-deficient airports.

What are your thoughts on this? I still think that is what we should be doing.

Mr. SCOCOZZA. But that is the law now, Congressman. When there is a determination by the Department of Transportation that the security situation is unsafe at an airport, we are literally obliged under the statute to make that determination public.

What I am trying to help you understand is all of our FAA inspectors and the ICAO official inspection teams have not come to the conclusion that any of these airports are in fact, quote, unquote, "unsafe." There are situations which lead me to believe that there is a necessity to work out some problems at some airports, but they are not of the magnitude that requires being placed on an unsafe list.

Mr. WHITEHEAD. Mr. Anderson, may I add a word to that response?

I share your views. I don't think we have any difference between us from what I heard you express. We take our responsibilities very seriously to advise citizens about where they go. We are very concerned for their safety abroad.

Your legislation has resulted in a very considerable tightening of security at all European airports, not out of the goodness of their hearts in every case, but because their country's economic interests are severely damaged if U.S. citizens are not allowed to travel to those countries.

The travel of U.S. citizens is a great source of income to all of these countries, and they realized that they must tighten airport security if they were going to continue to have the benefits that come from visiting U.S. citizens.

So, there has been very substantial improvement throughout Europe and the Mediterranean in the security of their airports.

BACKGROUND CHECKS OF AIRPORT PERSONNEL

Mr. **ANDERSON**. As the screening techniques at airports, domestic and foreign, become more sophisticated, there is growing concern that a terrorist might infiltrate an airline ground crew or maintenance division and plant explosives or weapons either on the plane or somewhere in the terminal beyond the screening machines.

What is being done in the way of background checks for these people?

Mr. **SCOCOZZA**. Congressman, as I mentioned to Congressman Mineta's question about new measures that have been put in place, I have a document which I will leave available for your review which goes into depth with the question of screening of foreign nationals having access to American and foreign aircraft. Part of the information in this is in response to your question.

In the United States, we have already insisted that anybody who has access to an aircraft be the subject of employment background checks. Only those people who have been cleared are allowed access to the aircraft. If, for instance, someone from a caterer has just been hired off the street and is literally a part-time employee or whatever, that employee would not have access to an American aircraft or a foreign aircraft on U.S. soil unless he or she were accompanied by a cleared person.

Mr. **ANDERSON**. I know my time is about up, but I have one more question as long as Secretary Whitehead is here. It is not totally related. It is one I would like to ask you.

FRENCH NONCOOPERATION DURING LIBYAN RAID

Has there been any discussion on retaliations against France for their refusal to allow U.S. military aircraft to fly over their airspace during the Libyan raid?

Mr. **WHITEHEAD**. We were very disappointed in France's refusal to allow overflight. When I was in Paris at the end of last week, I told the officials of the French Government with whom I talked that the first time in my life that I went to France was on June 6, 1944, when I was a young man in the Navy, and landed American troops on the shores of Normandy. Many of them died in the process of trying to save France from the tyranny that Hitler had imposed on it; and it was very ironic to me that my most recent trip to France, the one in which I was on last week, should be to complain to the French about their unwillingness to give permission to American pilots, in American planes to fly over their country to help defend American citizens who were being attacked by atrocious terrorists.

So, I find their action very reprehensible and I regret it very much.

However, having said that—and I say it in rather strong personal terms—France is our ally; they are not our enemy. The terrorists are our enemy, and France is our partner in fighting the terrorists. So, as I said in Paris, their action in refusing us overflight was yesterday's disappointment. We must put it behind us, and we must now look to France to cooperate with us in an effort to put down the terrorists. That is our position, and I believe it will be successful.

I believe many French people very much regret and are embarrassed by the action of their government in denying us overflight. I believe that France is now ready to cooperate with us to a much greater extent than they have been in the past, and we are actively challenging them to do so.

Chairman FASCELL. Ms. Snowe.

Ms. SNOWE. Thank you, Mr. Chairman.

I want to thank the witnesses for their testimony here this morning.

NEED FOR MULTILATERAL ACTION

Secretary Whitehead, I am pleased you are optimistic about the European Community, and I am slightly encouraged by their recent actions. But the fact of the matter is, until there is a united international public pronouncement showing firm resolve against countries like Libya, who sponsor terrorism, until they are willing to sever their diplomatic relations with countries like Libya, until they are willing to cut off trade, until they are willing to close their Embassies, our American personnel, our Embassies, our consulates will remain targets. We are never going to successfully isolate countries like Libya until they are willing to do that.

I frankly do not think we can afford to make quiet pronouncements about some of the small steps the Europeans are taking in fighting terrorism. It has been a long road. I have been the ranking member on this subcommittee for the last year and a half. We have passed every major landmark legislation concerning security, airport, Embassy security, relief for victims of terrorism and their families. We are still seeing a divisive European Community.

In spite of all that, I can recall the meeting that you had with our committee less than 2 months ago. You had visited with the European governments, with evidence concerning the Rome and Vienna Airport bombings. Some of the European governments said they were not convinced because there was not substantial evidence.

Then we came back with absolute evidence concerning the association between Libya and the Berlin disco bombing. They are still dragging their feet. At the same time, it is costing American lives.

As Chairman Mica indicated, day in and day out terrorism is escalating around the world, and the targets of first choice are Americans. The Europeans are costing American lives because of their failure to address this issue in a concrete way.

EUROPEAN ATTITUDES TOWARD LIBYA

So I am asking you, why won't the members of the European Community sever their relationships with countries like Libya who sponsor terrorism? We are talking about state-sponsored terrorism. We are not even talking about individual terrorism groups. We are talking about government-sponsored terrorism. There is a major difference.

Can you explain to me their attitude with that issue?

Mr. WHITEHEAD. I share your views, but I would suggest to you that, again, they are our allies; and to attack them will not encourage them to make further steps in fighting terrorism. We must do it in partnership, and one does not attack one's partners, at least not in public. The enemy is Qadhafi.

But let me speak more specifically to your question. Some of these countries have a more difficult job in terminating their relationships with Libya than we do. We must be understanding of that, and we must not expect them to react instantly to our requests and our demands.

For example, Italy, has been very forthcoming in its progress toward reducing and terminating its relationships with Libya although Libya and Italy were each other's largest trading partners. They had a longstanding close relationship. All of Italy's oil, for all of its energy, came from Libya. Much of Italy's manufactured goods went to Libya. They had close trading relationships.

Those are things that cannot be terminated overnight; it is very difficult for Italy to do that. And yet, Prime Minister Craxi has been very tough on gradually closing down those activities. There were 20,000 Italians in Libya in January. There are now less than one-half that number. And many of the other countries have taken substantial steps in the 2 months since I appeared before the committee and brought you up to date on the situation.

So, progress has been made. Not enough progress, and we are pressing for more; but some progress has been made.

Ms. SNOWE. Well, Mr. Whitehead, I guess I sort of disagree with your assessment. I am pleased they are doing something. Clearly, it is not enough. Some of it is too little, too late.

We are having incidents every day, targets being American Embassies, American personnel. Americans traveling abroad, that is what we are talking about; I don't think that we have had a partnership with the European Community, not because of the fault of this administration. This administration has done everything it could to unite the alliance in that regard.

Unfortunately, they are not willing to understand that. So, in the meantime, it seems to me Mr. Qadhafi is emboldened by the support he is getting from other countries, and that is why we are seeing the kind of radicalism and terrorism being energized in recent days.

If the European Community had united itself in a public way rather than private conversations, perhaps we would not have these kinds of attacks occurring now. And we can expect dramatic escalation in the days and weeks ahead as a result.

While they are deliberating, slowly, tentatively, secretively, we are going to be attacked as Americans, particularly those who represent this country abroad. From that standpoint, I don't think we can afford to make the quiet congratulatory statements about their slow progress.

Mr. **Whitehead**. We would like to focus for a minute on the fact it is the terrorists that are the enemy. It is not the allies that are the enemy. We need their cooperation. If we indict them too much, we will not get their cooperation. We desperately need their cooperation, as you have indicated.

We focus our attack on the people committing these acts against our citizens. They are the people to blame. We do seek the cooperation of all countries in the world to achieve that objective.

Ms. **Snowe**. Do they recognize the serious problem that state-sponsored terrorism represents; or is it because of the cutoff of tourism that has prompted their response, or the fact the United States engaged in a military response to Libya because they failed to join us in economic and political sanctions?

Mr. **Whitehead**. It is all of those things. I wish it were just the first one, but the fact is that it is all of those things.

But, whatever the reason that brings them to the conclusion that they must fight terrorism, I believe they are beginning to join with us now and beginning to take actual measures, and we will do everything we can to press them to continue to do that.

Ms. **Snowe**. Thank you, Mr. Whitehead.

I have just one other question, Mr. Chairman.

LIMITING CARRY-ON LUGGAGE AND REQUIRING REDUNDANCY CHECKS

Mr. Scocozza, Mr. Broderick, I wanted to ask you about carry-on luggage. We had individuals representing the aviation industry here last week. Captain Duffy, representing the Pilots Association, suggested this is a mandate that must come directly from the FAA.

I am concerned about carry-on luggage, and I think it should be limited to the degree possible. I think it does represent a security threat to commercial aviation, and I would like to have you address yourself to that.

Second, why aren't we requiring airlines to impose redundancy checks? El Al was only able to detect the bomb that the woman was carrying onto the plane because El Al has very stringent security measures. In fact, it is probably the most stringent security measures of any airline in the world. I think that is the direction the airlines should take.

I would like to have both of you address those two issues now.

Mr. **Scocozza**. Congresswoman, I would like to cover it very briefly and hand it over to Mr. Broderick, who is an expert in the area.

In terms of carry-on baggage, there is a very clear responsibility, not only with our new procedures that went into place, not only to make it go through electronic checking, but also to make a relatively discretionary physical search after it has gone through the electronic procedures.

As I mentioned, we do have enhanced security procedures for carry-on baggage, which I would be delighted to provide the committee today, that go a little bit more into detail in specific measures and procedures we are requiring, in Europe.

With respect to carry-on baggage, I might make just a small comment about the airlines' position about carry-on baggage. They have said that they have bought larger planes with more space, more capacity, the overhead bins. I am sure everyone in this room has probably suffered through a bag falling on their head, like I have in the past. But that is one of the arguments: convenience to the passengers.

Our position is, if we can be absolutely sure that whatever is carried on does go through mechanical screening and is the subject of a physical search as well, then we would be prepared to monitor the situation very carefully.

I am sorry. The second part of your question?

Ms. SNOWE. The redundancy checks.

Mr. SCOCOZZA. We do require redundant checks in certain high-risk airports where we feel that the electronic and security checks that are there are just unsatisfactory. As I mentioned earlier, it does in fact occur in Athens. It does, in fact, occur in several other European and Middle Eastern points.

I would like to turn it over to Mr. Broderick to go into detail into the carry-on baggage area and redundant screening.

STATEMENT OF ANTHONY J. BRODERICK, ASSOCIATE ADMINISTRATOR FOR AVIATION STANDARDS, FEDERAL AVIATION ADMINISTRATION

Mr. BRODERICK. Yes, ma'am. We have, in fact, recently significantly tightened security at a number of European, Middle East, and South Asian airports. Those measures will be outlined in some detail in the material that we leave with you.

Let me just say there isn't one single answer at every airport. You have to apply the threat in the local situation and the availability of trained people and electronic equipment, all in a system, and make sure that that system achieves the objective that you seek.

The objective that we want is, of course, to prevent the unauthorized carriage of weapons and explosive devices. If we have to resort to elimination of carry-on baggage, we will do so.

Right now, we have in place extraordinary measures at a number of airports, most of the ones—in fact, all of the ones we have talked about today, which we are confident will be very effective not only in terms of examining carry-on luggage, but in a number of other things in terms of access to aircraft, screening of people who have access to the aircraft, and in fact searching the aircraft itself. They will be outlined here.

We will be happy to discuss it in more detail in another session.

Ms. SNOWE. Mr. Chairman, I ask unanimous consent to include my statement in the record.

Chairman FASCELL. Without objection, it will be included.

[Ms. Snowe's statement follows:]

STATEMENT OF HON. OLYMPIA J. SNOWE

Mr. Chairman, the hearing today comes at a true watershed in the international fight against terrorism. Last week, the United States demonstrated a new activism that I believe was necessary.

International terrorism has increasingly dominated the deliberations and actions of the International Operations Subcommittee ever since I became ranking Republican a year and a half ago. During that time, we have passed landmark legislation on foreign airport security, embassy security, and relief for victims of terrorism and their families. But the underlying threat that has necessitated these legislative actions has dramatically increased.

It would be difficult to overstate the importance of the action taken by the President a week ago. And it would be difficult as well to overstate the admiration and gratitude of Americans for the support of the British when it most counted.

It is often said that terrorism is an international phenomenon that requires an international effort to defeat. This is true, but unfortunately the unanswered question still remains: how best can we build international cooperation? We worked for several years to bring the western nations together to develop a coherent policy to combat terrorism, to no avail. It has proven extremely difficult to solve this problem, even with irrefutable evidence of state sponsored terrorism. The European nations have consistently opposed all effective forms of economic and political sanctions. Had they joined us in these measures, the military action against Libya would not have been necessary.

In many ways the outcome was similar to the U.S. capture of the hijackers of the *Achille Lauro*. Both actions were technically successful, but the resulting factionalism within the alliance could only serve to further encourage acts of terrorism. Where was the moral outrage of the Europeans with the Berlin and TWA flight 840 bombings expressed in the same strong terms that many of them are condemning the U.S. today in its military response to Libya.

The Europeans must eventually face the reality that cowardice and passive submission to terrorists only leads to more terrorism. And to countenance countless acts of terrorists only leads to more terrorism. And to countenance countless acts of terrorism against Americans and others is to countenance these acts against all humanity, only with a clear and public demonstration of international resolve across the land can we change the political climate that allows terrorism to grow.

I look forward to Deputy Secretary Whitehead's comments on the current state of U.S. anti-terrorism policy, and particularly on the status of efforts to gain the cooperation of other European nations.

I hope that our witnesses from the FAA and Department of Transportation will explain exactly how we are addressing the heightened threat to commercial aviation. At last week's hearing, representatives of the U.S. airline industry staunchly defended the adequacy of existing security procedures. These procedures, I might say, are the same procedures that failed to detect the bomb that went off in TWA flight 840. And they almost certainly would have failed to detect the bomb that nearly got aboard an El Al flight out of London last Thursday.

It is clear that the industry will not voluntarily make any improvements on their own. Therefore, we look to you for leadership in thwarting this new threat to commercial aviation. I hope you will specifically comment on increased use of redundancy checks and tight limitations on carry on baggage.

I look forward to all of your comments.

Chairman FASCELL. Mr. Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman.

At the outset, let me personally commend you, Mr. Secretary, for your persistent and very effective action along these lines, as well as Secretary Shultz and the President.

Last Tuesday, I was the first Member on the floor commending our Government's action. I feel more strongly about it now than I did a week ago.

Mr. WHITEHEAD. Thank you.

Mr. LANTOS. I have an observation and a question. Before I make the observation, I would like to respond to a question raised by my good friend and colleague, Congresswoman Snowe.

LACK OF SUPPORT FOR U.S. ANTITERRORIST ACTIONS

The underlying reason why the action of our European allies and friends has been on the whole so profoundly disappointing is because Europe, in its leadership, has always had a tremendous surplus of Neville Chamberlains, and an incredible shortage of Sir Winston Churchills. We are again seeing the most recent manifestation of this tragic imbalance.

I would like to pursue the question of consistency and linkage in dealing with international terrorism. Yesterday, at the United Nations, a pro-Libyan resolution viciously denouncing us, saying nothing about the terrorist provocation, was passed 9 to 5. Several of the people representing countries who voted for the Libyan resolution are significant recipients of U.S. economic aid, including Thailand, Trinidad, Tobago, and others.

My hope is the administration will take strong action. I can assure you I will initiate strong action in the Foreign Affairs Committee to express in concrete terms our outrage at American aid recipients criticizing the United States for taking self-defensive action when its own citizens are assassinated.

I would like to pursue this a bit. To this date, Japan has not opened its mouth on international terrorism, or on the specific Libyan attempt to kill American citizens. I find it very distressing that when Prime Minister Nakasone was here at the very time this action took place, he has not yet seen fit, nor has the Foreign Minister, to voice the slightest criticism of Libya or the slightest support of our action.

I am sick and tired of Japan sitting on the fence on all of these issues. I hope that the upcoming summit will give the President an opportunity to express his views forcefully.

But I also must say, Mr. Secretary, that to be taken seriously, we ourselves have to be consistent. Our chairman talked earlier about the continuing permission given to oil companies to operate in Libya. I agree with Chairman Fascell—that we will watch very carefully how long these permits will be allowed to run and at what point will American citizens be told to get out.

I am disturbed that in a couple of hours your colleague, Secretary Murphy, will testify to the Europe and Middle East Subcommittee supporting major highly sophisticated arms sales to Saudi Arabia, when in fact Saudi Arabia is among the very nations that denounced our action and has given not the slightest recognition to the fact that American citizens are assassinated and threatened around the globe, partly by people funded by Saudi Arabia.

I hope you will carry back to the Secretary the plea that some of us have for consistency. If, in fact, international terrorism is as severe a threat as you and I agree it is, it is important for us to be consistent in not rewarding people who support it, finance it, or are acquiescing in it.

My only question, Mr. Secretary, is a very simple one. I hope you will comment on my observations.

Tomorrow, my colleague and I are introducing legislation to deny tax benefits to American citizens who continue working in countries which the Government has designated as countries that are engaged in state-supported terrorism.

Will the administration support our legislation, or will we continue to condone people who strengthen the Government of Libya by providing them with technical services, getting tax-free income up to $80,000 a year?

Mr. WHITEHEAD. Thank you, Mr. Lantos, for some very thoughtful comments. You raised several issues, and I would like to comment on each of them, if I may.

First, as to yesterday's United Nations vote in which, as you said, a resolution strongly condemning the United States in very vituperative terms was passed by a 9-to-5 vote, although vetoed by three of the five countries who are permanent members of the Security Council. Thus the resolution did not become effective.

We certainly should take note of who our friends are and who our enemies are on a vote like that at the United Nations. We find particularly reprehensible the vote of Thailand, for example, a friend of the United States—we thought—a country which receives very substantial aid from us, a very important ally of ours in Asia, a country with which we have very strong bonds.

Something is wrong, badly wrong, when that country, in spite of every effort to explain to their leaders the importance of the issue to us, decided to vote to condemn us as they did. We must not lose sight of that vote.

Mr. LANTOS. I will tell you, Mr. Secretary, what is wrong. The world has been allowed to believe that there is no penalty for opposing us. That is fundamentally wrong. They can vote against us. They can speak against us. They can denounce us publicly. But somehow we will continue our aid, our military sales, our support, and our friendship. That, I think, is the fundamental dilemma.

Mr. WHITEHEAD. There is much to what you say.

As to your comment about Japan, you should know that at the Economic Summit in Tokyo next month, the President will raise the subject of terrorism. And I would guess that it will fill a very large part of the agenda of that summit meeting.

The summit takes place in Tokyo, so Tokyo will have a particular responsibility to join the rest of the free nations in the war against terrorism.

ALLIED CRITICISM OF LIBYAN BOMBING

Mr. LANTOS. Mr. Secretary, my time is running out. There have been reports by William Safire, and the President stated in his press conference yesterday, that some of our allies were critical of us because we did not take stronger action.

(a) Is this true? (b) If it is true, do they mean they would have liked us to take stronger action while they stand aside, or would they have joined us in stronger action?

Mr. WHITEHEAD. Some of our allies, knowing that we were not going to take stronger action, said that they would have supported stronger action but could not support the limited action that we took. Whether they really meant it or not, we don't really know.

SAUDI ARABIAN SUPPORT FOR LIBYA

I would say one further thing. You talked about Saudi Arabia. Saudi Arabia, in particular, and many of the other Arab countries, feel that for political reasons within the Arab world they must issue words of support for Libya as a bond of friendship among Arabs.

Mr. LANTOS. Which we—anti-American sentiment?

Mr. WHITEHEAD. But privately assure us they are in complete sympathy with what we are doing, and, in many cases, urge us to take stronger action.

King Fahd of Saudi Arabia, in particular, is an important key to the ultimate solution of the situation in Lebanon because he is exerting strong efforts to get Qadhafi to change his behavior.

We must be very cautious about condemning countries which feel that they have to make public statements but which work hard privately to get this crazy man to change his conduct.

Mr. LANTOS. It is the public statements that create the atmosphere in which Americans are assassinated.

Mr. WHITEHEAD. You are right. We regret them. But we also welcome their quiet efforts behind the scenes to change their opinion.

I will not use my time to urge you to support the Saudi arms sale that is before you, but let me assure you that there are very good reasons for you to do that.

Mr. LANTOS. Thank you, Mr. Chairman.

Chairman FASCELL. Mr. Leach.

Mr. LEACH. Thank you.

COMPLIANCE WITH WAR POWERS ACT

Mr. Secretary, I would like to return briefly to the War Powers Act. I think all of us would grant that there are some serious philosophical reasons that the administration may be opposed to that act. I think we would all grant terrorism is very thorny. We also grant that tactics as opposed to policy should be carefully shielded by the administration.

On the other hand, the question does remain why the law was not followed in the sense that, first of all, as public officials you are responsible for adhering to the law.

So, my question is, Why did the administration not follow the War Powers Act?

Mr. WHITEHEAD. I am hesitant to answer that question because the chairman very graciously pointed out a while ago I was not an expert on the War Powers Act. I will try to do so.

We believe we did comply with the War Powers Act. In the first place, we consulted with Congress prior to the execution of the military action, and——

Mr. LEACH. Excuse me. Can you explain when this was?

Mr. WHITEHEAD. On Monday, a week ago Monday, the day of the action.

Mr. LEACH. Were the planes in the air?

Mr. WHITEHEAD. They were in the air. But, as was pointed out at the meeting, it was not too late to cancel the action. That was not urged by the congressional leaders that were there.

But it was an act of defense the President was taking. That was the position of the administration. And we complied, subsequent to the military action as is required by the War Powers Act, to inform the Congress as to just exactly what we had done and why we had done it—to defend American citizens.

But, as I said earlier, the War Powers Act should be reviewed. I am pleased to hear, too, that the chairman is going to schedule hearings on that, because it was not designed—it was not contemplated when the War Powers Act was passed that such event, as we have now, would occur.

Mr. **Leach**. Let me just very briefly say it is my own feeling that better compliance would have been active consultation with the Congress in advance on the possibilities that might unfold. I would, frankly, not have suggested that you hold the meeting that you did on the day of the attack or inform the press that you were going to make a public statement, which alerted the people to the potential timing of such an attack.

I would, frankly, have done things in a little bit different way.

RAMIFICATIONS OF LIBYAN BOMBING

Let me return to another issue. It is my own sense that democracies are very vulnerable to terrorism, and the best antidote is a careful following of the law. In this sense, internationally and legally, I think our justification for a reaction was probably greater than our justification in Nicaragua today.

On the other hand, there is a question of judgment. For example, you can be justified in doing something, but then the question is, Is it worth it in the sense of whether your action is creative or counterproductive? You suggested to the committee that more American lives are now in danger today. So, one of the great questions is one of judgment.

Do you think this action is going to be the type of thing that will help advance the security of American citizens in the world, or do you think it might be counterproductive and get the United States involved in responses that could cause a greater increase in terrorism? Do you have indepth papers and assessments of that nature that were prepared before the act was designed?

Mr. **Whitehead**. Yes, we do indeed.

Your very thoughtful question was the subject of considerable discussion and consideration before the President's decision was made. We believe it is too early to conclude as to what effect the action will have.

As you know, Qadhafi himself has been very quiet since the action took place. There is no sign that he has moderated his terrorist activities. On the other hand, those that have occurred since were almost surely actions that were well in progress prior to our military action. So there is no indication that our action has resulted in a step-up of terrorist actions.

But, in any event, the President felt, very thoughtfully—he surely did not like the idea of a peaceful nation dropping bombs on another country. But he felt that we could not stand idly by any longer and allow this madman to continue to murder innocent American citizens traveling abroad; that something harsher and harder must be done to convince him to change his conduct.

If this doesn't work, additional measures will have to be taken. We cannot stop and allow terrorists to take us over because we are afraid of the consequences of tightening the noose around them. We must continue to try to isolate them, continue to trv to persuade other countries to join with us in this fight, which is their fight as much as ours. We must continue to try to put pressure on him, both economic and military, so that eventually he comes to realize that the costs to him of continuing this abhorrent conduct are greater than whatever benefits he may think he is achieving from continuing them.

Mr. **Leach**. Well, I share that perspective. I hope you are right. I personally feel if something happens to Qadhafi in the near future, there will be great bouquets to the administration.

On the other hand, as I think back to the early sixties, there was thinking that Castro had gone into hiding for a few days after the Bay of Pigs. Yet, we found that we had ensconced rather than undercut him. If bouquets don't go to the administration, it may be flowers on the graves of Americans around the world.

In addition, it appears that we overnight perhaps—and maybe this is for good in partial opposition to American policy—have started, in effect, a second Contadora process in Europe. That might be good for this process, even though it might involve some criticism of the United States itself.

I fundamentally agree with you it is very premature to assess the outcome of this policy at this time. It is high risk. It is of a nature that all of us should be very concerned with. That is one of the reasons that I think in a policy way there is reason and concern to develop as much American discussion about events of this nature as one currently can. And I am not, in my own mind, convinced that precisely procedurally the best approach has been taken at this time. But it is hard to deny the frustrations for the act.

Thank you, Mr. Chairman.

Chairman **Fascell**. Mr. de Lugo.

Mr. **de Lugo**. Thank you very much.

Mr. Secretary, let me commend you on your presentation here and say I was shocked to hear from Mr. Lantos that Trinidad and Tobago had voted in the UN against us. If my memory serves me correctly, I think Trinidad and Tobago were one of the few countries in the eastern Caribbean that did not stand with us on Grenada. I am very disappointed by that. I was surprised at Thailand, as well.

I was pleased to read that the French had voted to veto the resolution.

REDUCING ALLIED DEPENDENCE ON LIBYAN OIL

Talking about Italy and why the economic ties that Rome has with Qadhafi's country, we heard again about oil and their dependency on the oil. Is this country in any way encouraging Italy and other countries that are allies of ours that seem to be dependent on these countries to find other sources of oil?

For instance, I read yesterday—and I thought it was an excellent suggestion—to explore perhaps Mexican oil. Is the State Department doing anything to encourage that, to see if Mexican oil could replace Libyan oil?

Mr. **Whitehead**. Oil is very plentiful in the world today. It is coming out of the world's ears. You can buy oil anywhere you want. For any country to continue to buy Libyan oil seems to us is very, very unwise and unnecessary under the present circumstances.

When I first went to Europe after the President announced his sanctions to try to enlist the support and cooperation of the European countries, they said that economic sanctions didn't work. Both Mrs. Thatcher and Chancellor Kohl, heads of two of our most important allies, told me in no uncertain terms that economic sanctions didn't work.

Well, I found that that idea was so widespread that I stopped talking about economic sanctions. I called them peaceful measures, and it was hard for those who did not want to see us take military measures to oppose peaceful measures.

Then I said that whether or not economic sanctions work, if we could just all get together and not buy any oil from Libya, it would bring them down very quickly, leaving aside the theoretical argument about whether or not sanctions are effective. Libya is completely dependent for its entire economy on the sale of oil. Its only export is oil. Therefore, if nobody buys their oil, its economy will grind to a halt very quickly and Qadhafi will be forced in short order to change his conduct.

We have been making constant efforts to persuade our European friends to stop buying his oil. Some of them have reduced their purchases of his oil and are making other arrangements with other countries to get oil from other places. The United States has done that almost entirely itself.

We are now just within the last week reviewing those efforts to get a unified effort to keep Libya from being able to sell its oil into the rest of the free world.

Mr. de Lugo. Thank you, Mr. Secretary.

Mr. Secretary, let me go back to something that has come up again and again during these hearings. That is the adequacy of the training and experience of the security personnel.

ENHANCING COMPETENCY OF SECURITY PERSONNEL

What is the department doing to increase the skills and level of training of those individuals who must play an important role in our efforts to combat terrorism?

Mr. Scocozza. Congressman, there is a twofold program. No. 1, there is a program to train all American personnel who are connected to the airline industry, its operations, groundcrews, the pilots, the cabin attendants, and make them go through a specific curriculum. That has all been concluded by January 31 of this year. It began last July.

With respect to our international efforts, we work very closely with the office that Ambassador Borg is the Deputy Director of, to provide FAA specialists to do training in seminars. There is something called the Transportation Safety Institute in the United States of America.

Earlier I talked about how we have trained 133 Egyptians who are associated with the airline industry and airport security. They took over 11 different courses.

We are also—the FAA is clearly—and I am very proud of it—clearly a leader internationally in aviation security.

In January, when I talked with Dr. Kotaite about having international ICAO inspection teams, FAA inspectors are part of that international multilateral inspection team, in addition to our own inspections that we do in-house.

In addition to that, FAA inspectors and safety—security experts go to ICAO to train ICAO personnel in safety techniques and whatever. So, we are using our expertise in every way, shape, and form that we possibly can.

There are a whole host of countries who avail themselves of training in the United States under the auspices of the FAA. I would be delighted to provide you with a list of the countries and the number of students who have come here. It is pretty extensive.

In cooperation with the Department of State, AID money is available for individual countries to make use of the training facilities in the United States of America if they don't have their own funds.

Mr. DE LUGO. Thank you, Mr. Secretary.

Thank you, Mr. Chairman.

Chairman FASCELL. Mr. Smith of Florida.

Mr. SMITH of Florida. Thank you, Mr. Chairman.

TERRORISM OUTSIDE LIBYAN REALM

Mr. Secretary, when the bombing of Libya took place last week, I, like many other Members of Congress, asked for a reaction. My reaction was favorable because I thought the Libyans had brought it upon themselves and because we have a right to make sure that Americans are not in jeopardy, overseas or domestically.

But I also said that it would only be valuable if it was a first step in the long-term implementation of a policy to deal with terrorism; while Qadhafi is obviously a significant thorn in our side and a perpetrator of international terrorism and, frankly, by surrogates the murderer of innocent people, civilians as well as innocent military. Just because you are in a uniform in Berlin does not make you culpable.

But it is interesting to note that Qadhafi is only a small portion of the whole picture of terrorism. There are scores, literally scores, of other individual small terrorist groups or cells operating independently of Qadhafi, perhaps operating with the consent and support of other countries or other leaders, et cetera, some independent of almost everything—in Western Europe, the Middle East, South America, in a number of places.

They don't have countries. It is not convenient to get at them because you can't take Libya and pick it up and move it into the Sudan and say, now, I am protected; you won't bomb me because I am over here.

These groups are mobile. They don't have a country you can go after.

What is our policy vis-a-vis all these other terrorist groups, some of them who have come out and taken credit for some of these other terrorist acts? What are we doing or will we do with reference to all of these groups who perpetrate terrorism as vicious and as brutal and as threatening to Americans and as life taking as what Qadhafi does?

What, in effect, has been our success with reference to these groups? And I will, for instance, just make one example: It doesn't appear that the bombing of the TWA plane was connected to Qadhafi at this moment. It is not specifically certain. But there is another terrorist group that was there.

The TWA hijacking of last year, which resulted in the death of a young Navy diver from Maryland, was credited to and a claim claimed by a group from Lebanon which we knew, and their names and addresses were available to us. We took no action.

What is our policy with reference to terrorism besides that portion that deals with Libya or a country we can identify and therefore go after? What are we going to do about the ones that come out of the cave, perpetrate their vicious acts, and then crawl back in their hole?

Mr. WHITEHEAD. A good question.

You are right; terrorism is a long-range problem and it won't be solved quickly, and it won't be solved only by getting Qadhafi to change his conduct. Terrorism is committed by other countries, Syria and Iran being the other two particularly reprehensible countries which support terrorism.

Terrorism, as you have indicated, is also committed, by groups that are independent of any government. But we find Qadhafi's conduct particularly reprehensible because it is national terrorism. It is supported by a nation as part of that nation's foreign policy, as the principal element of that nation's foreign policy.

Qadhafi takes the money of the people of Libya from the sale of Libyan oil and uses it to finance terrorist acts. He pays large sums to terrorist groups if they will commit particular terrorist actions. He trains terrorists in his country, supported by the government. He supplies them with arms, purchases arms with the people's money to so perform the acts. He supplies them with documents, false documents, to hide their tracks. And these all in the name of his country.

So, we find his actions particularly reprehensible and worthy of being our principal target in this battle.

But you are quite correct; the problem will go on and on. There are two general kinds of measures to take against terrorism: defensive measures and offensive measures.

Defensive measures are the kinds of measures that we take at our airports to protect passengers——

Mr. SMITH of Florida. Mr. Ambassador, you are avoiding my question.

My question was, Aside from what we can do to a nation in a fixed geographic position like Libya, what policy does this administration have to deal with the scores of other terrorist groups that operate independently of Libya and operated independently days before Qadhafi ever assumed control of Libya? What is our policy?

Ambassador Borg might want to answer that. You are with the Office of Counterterrorism. I haven't heard a whole heck of a lot coming out of there, either.

What is our policy with reference to terrorist groups, because they are responsible for a lot of what is going on in this country, even in the last 2 weeks?

Mr. WHITEHEAD. Our policy is to find the terrorists and weed them out and put them in prison for committing those acts. That is our policy.

Mr. SMITH of Florida. Can you give me one instance in the last recent period of time where we have done that?

Mr. WHITEHEAD. Absolutely, sir.

In 1985, the U.S. Government, through its sources of information, forestalled over 100 terrorist incidents by thwarting them before they were committed—75 of them around the world, and 25 of them within the United States; far more terrorist acts than were actually committed during that period.

We have had good success in stopping terrorism. Of course, 90 percent success is not enough. We need 100 percent success. But, through our intelligence information, which is very remarkable on terrorism, through our police efforts, through the efforts of the FBI, through our courts, through the Justice Department, we are actively thwarting terrorist actions almost every day and we have a very fine record of doing so.

Until that record is 100 percent, none of us can be happy. And I hope the Congress will continue to prod the administration to do more and to be more active in thwarting those remaining incidents that we have not thwarted as yet.

Mr. SMITH of Florida. Mr. Scocozza, let me ask you a question.

SITUATIONS MERITING TRAVEL ADVISORIES

If I were to give you a hypothetical—I don't mean to put you on the spot—I would like to find out if there is any situation in which you would invoke the 90-day rule Chairman Mineta was talking about?

If you did an assessment by your FAA team and found that the airport in question does not have metal detectors at the gates, that police officers are assigned to their x ray monitor unit for an entire shift like 8 hours—which you know is a difficult thing for proficiency and alertness—if the passengers were searched but people were not searched—they were searched, but their coats were not searched, that there are no metal detectors at the secondary screening points, that the perimeter fence is of little use, that there was little or no evidence of police at the airport, that much of the inspection and search equipment at the airport was not working at the time of the assessment visit, that there was not proper training, that there was closer supervision needed of management of the various airlines which flew in and out—if you were faced with those assessments made by your team, would you think it would be appropriate to give a 90-day warning?

Mr. SCOCOZZA. Congressman, I would really like to qualify my answer, and I would like to qualify it in terms of an actual situation that took place in a Caribbean nation. All of our security agencies indicated that the risk was very, very low. The metal detectors were not working properly. Because of the absence of a risk from all of our intelligence community—which, Congressman, I believe is excellent—we were able within a period of 2½ weeks to get metal detectors into that country, to get the people trained, and to get the discipline that we felt was a satisfactory level at that airport.

In that particular situation, we didn't believe it was necessary to take the extraneous measure of coming back to Washington, DC, preparing an order that would have to go through diplomatic channels, having to get approval with other different agencies, and signoffs.

We got success. We got it within a 2-week period of time.

Mr. SMITH of Florida. That sounds reasonable.

What about if this were a high-risk airport?

Mr. SCOCOZZA. We would have a responsibility to stop the service if it were high-risk and no metal detectors. If there is no security being done at a particular airport, we literally have to stop the service. That is putting people in an undue risk in a high-risk area.

Mr. SMITH of Florida. Suppose I were to tell you I am reading from a report about a particular airport prepared by the FAA, and all the things I told you were deficient at that airport, part and parcel of your assessment of the security measures at that airport?

Mr. SCOCOZZA. Congressman, the particular situation you are talking about is qualified. It is talking about flights between foreign points and foreign points. That particular report also covered flights between the United States and that particular airport.

If you look at that report, in that particular situation, it says that we are satisfied that the safety procedures were not only consistent with the ICAO standards, but that they do in some situations exceed the ICAO standards.

Mr. SMITH of Florida. I just asked you a hypothetical. You told me if this were a high-risk airport, you would feel the risk to the passengers is significant.

PROTECTING AMERICANS TRAVELING BETWEEN FOREIGN COUNTRIES

Mr. SCOCOZZA. Congressman, please let me qualify my answer. I appreciate the point you are making. Our responsibility is travel between the United States and that foreign point. We don't have the ability to be checking out service between a foreign point and Nepal.

Mr. SMITH of Florida. Don't Americans do that, Mr. Scocozza? You mean nobody ever transited from one airport through to another airport outside the United States? It happens every day to thousands of Americans who go to Rome, and from Rome to Vienna, and from Vienna to Athens, and from Athens to Israel, and from Israel to wherever else.

You don't have an obligation? You are only the guarantor of safety from the port of domestic departure to the first port of entry in Europe? Americans are going to be awfully surprised to hear that.

Mr. SCOCOZZA. Congressman, our responsibility is to track the pattern of American travelers and look at all points in which they are traveling.

The particular airport you are talking about, there is a tremendous amount of service to and from that international airport on American carriers.

Mr. SMITH of Florida. I know. That is why I brought it up. If it were only foreign carriers——

Mr. SCOCOZZA. The service to and from that airport to foreign points by American carriers is satisfactory, in our estimation. A lot of American travelers are traversing that particular airport on

American carriers going to foreign points. We are satisfied that the security situation is adequate.

In terms of——

Mr. SMITH of Florida. You didn't in the report, Mr. Scocozza. You are telling me you are satisfied, but your report indicates it is not satisfactory. You told me when I gave you the hypothetical you would find that to be absolutely unsatisfactory.

How do you square with what you are telling us now with what is in the report?

Mr. SCOCOZZA. Congressman, I would like to have my position clearly stated.

Mr. SMITH of Florida. So would I.

Mr. SCOCOZZA. What I am saying is American or foreign travelers to and from that airport are subject to security measures we believe are not only satisfactory, but in some cases exceed what our minimum standards are, satisfactory standards for that particular airport.

With respect to travel by American and/or foreign passengers, between that airport and any foreign airport on American carriers, it is also satisfactory or exceeds satisfactory standards.

In terms of the amount of passengers, American passengers, who may be traveling on foreign carriers out of that airport and to foreign points, that particular report is inconclusive. And we have a team going back, I believe next week—this week, tomorrow—to look at the specific situation involving other passengers traveling to foreign points.

But the situation as we see it in terms of the risk, in terms of the intelligence, we literally follow every American traveler and see where that pattern is. That is where we are focusing all of our attention and inspections.

I appreciate the point you are making. If we find that there is a risk at that particular airport, we would probably issue a qualified travelers' advisory with respect to that particular airport and those particular patterns of travel.

Mr. SMITH of Florida. Mr. Chairman, if I might, I would like to clear up a point Mr. Scocozza brought up before us. I am not sure whether or not what I have in front of me is correct.

REDUNDANT SCREENING AT ROME AND CAIRO AIRPORTS

You indicated that in Rome and at Cairo you now have double screening.

Mr. SCOCOZZA. Yes. That is correct.

Mr. SMITH of Florida. As of April 4—redundant screening.

As of April 4, TWA stated the passenger screening process at Cairo is a single operation performed exclusively by Government employees.

Is that an accurate description of the screening process; or, is your redundant double screening an accurate description of the screening process where TWA is concerned, a domestic American-flag carrier?

Mr. SCOCOZZA. Congressman, the information that I asked to be delivered to the committee for everyone's investigation and review is dated April 15. It talks about how redundant screening is put into place at all of the airports where we believe there is an extra security risk.

At Cairo Airport, there is redundant screening. You are looking at a report as of April 4. I apologize for not getting this to you sooner. I wanted to bring it with me today. It is available for your perusal. I will expediently respond to any specific questions you have about this.

Mr. **Smith** of Florida. There wasn't, at the time of the TWA bombing, redundant screening for TWA. But there is now? That is your answer?

Mr. **Scocozza**. There is redundant screening there now.

Mr. **Smith** of Florida. Thank you.

Thank you, Mr. Chairman.

Chairman **Fascell**. Chairman Mica.

CLARIFICATION OF U.S. ANTITERRORIST POLICY

Mr. **Mica**. Let me say, first, Mr. Chairman, I don't understand the law the way Mr. Scocozza just interpreted it. I think we are talking about an element of risk that is introduced at an airport that I think is certainly American business.

I may ask Chairman Mineta at the end of the questions if he can comment on this.

I would like to simply say this: Either Mr. Scocozza or Chairman Mica misunderstands the law. If I misunderstand it, we ought to change the law. I don't see any benefit in saying that we can allow Americans, as long as they are going from point A to point B, are safe; but at point B, if others are leaving from point B to C, they aren't safe, there is something wrong with the law and system.

I don't see how an airport can be safe for Americans and not safe for anyone else. That, to me, really is counter to what I understand the law to be.

I will ask the chairman in just a moment.

Also, I might just say Mr. Smith was pointing to the question of what our policy is outside of Libya. Let me put this question to you: There is absolutely no doubt in my mind that we are going to discover ties in the next few days or weeks with Libyan involvement in attacks since their raid on Americans and American facilities. What is our policy when we prove that Libya has again been involved?

Mr. **Whitehead**. Are you directing that to me?

Mr. **Mica**. Yes, Mr. Whitehead.

Mr. **Whitehead**. The President has stated that we will watch this closely; that we have no predetermined plan as to what we will do under particular circumstances. But we will watch the evidence as it develops——

Mr. **Mica**. I heard the President say we will have a strong and firm policy and will retaliate whenever and wherever we find a Libyan connection.

Mr. **Whitehead**. I hadn't finished my sentence.

Mr. **Mica**. All right.

Mr. **Whitehead**. The President has stated that we have no specific plan; that if they—if Qadhafi does something, we will respond in a particular way. We will watch the evidence as it develops. But if he continues his terrorist acts, we will not hesitate to act again. So that we have tried to have as firm and strong a policy so that he knows what he is in for if he continues these terrorist acts.

But we must exercise a certain amount of patience. We must realize that people don't change their minds overnight. We must not act precipitously or irrationally or emotionally. We have to be reserved in the action that we take. It seems to me that is appropriate for our Nation. But we will not hesitate to act strongly and firmly if he continues his conduct.

Mr. MICA. Do we have any written policy relating to preemptive or retaliatory strikes?

Mr. WHITEHEAD. I am not sure I understand what you mean, sir.

Mr. MICA. I served on the Inman Commission. They made certain recommendations to the President. We were asked to make very specific recommendations. They recommended that the President review the possibility of setting forth a policy of preemptive strikes when we see a terrorist attack about to take place and find a way that we can stop it. Also, retaliatory strikes were recommended as a consistent policy. If you strike at Americans—we will find a way to strike back, be it military or otherwise.

Is there any such policy now?

Mr. WHITEHEAD. There is a policy that attempts to abort and frustrate every terrorist act that we know anything about. As I indicated, we have aborted and frustrated a number of those successfully and will continue to do so, and have done so within the past few days on some of the terrorist acts that were planned.

We do not have a specific retaliatory plan against Qadhafi, but we have a firm resolve that we will not allow him to continue to conduct these acts. And, as the information develops, based on the circumstances, we will take further action as it becomes necessary.

Mr. MICA. And we have no written policy with regard to the types of actions we intend to take? Is it on a case-by-case basis?

Mr. WHITEHEAD. That is correct.

Mr. MICA. I would state again for the record that there is absolutely no doubt in my mind we will make a connection with regard to Libyan involvement in a number of activities occurring around the world today, and have in the last few days. I think that it would be prudent for all of us to understand what types of actions are feasible, what types of options are out there, and be prepared to execute them. However, I will not enunciate them here today, but we should have some kind of policy to move forward.

U.N. POSITION ON TERRORISM

Another point I would like to make—and I wish my colleague, Mr. Lantos, were here—with regard to the United Nations. As chairman of the committee that oversees our expenditures at the United Nations, I want the record to show that we have noted the inconsistency of our "friends" at the United Nations, who often take a great deal of assistance, friendship and support in a number of ways from the United States, but consistently vote against the United States.

I note that there was a resolution introduced condemning the strike on Libya. Some months ago when I was appointed as a delegate to the United Nations, there was immediately a resolution condemning Israel for its retaliation on the strike in Tunisia because of Larnaca. At that point, it took them 24 hours to get the resolution introduced and passed.

I requested we introduce a resolution condemning terrorism. It took 4 months to get that resolution watered down through the assembly.

Have we introduced a resolution condemning Libya?

Mr. **Whitehead**. We considered introducing a resolution condemning Libya after the attack, and found that it would have attracted so little support that it, unfortunately, would have been embarrassing to us to have pursued that.

Mr. **Mica**. I think the record should show that very, very clearly I was told when we asked about introducing legislation condemning terrorism that the mere fact that the United States would introduce it would probably indicate that it had no chance in the United Nations. That is a commentary on the United Nations.

Now we are being told here that to introduce a resolution before the United Nations would have been so futile that the United States of America didn't even bother. That is another commentary.

Mr. **Whitehead**. That is not what I said, Mr. Congressman. I said we didn't bother. I felt it would have been against our interests to introduce a resolution which attracted no support at all. It is a very unfortunate situation, but we considered it very seriously. It wasn't a matter of not bothering. I think we are both on the same track here.

Mr. **Mica**. We are both on the same side. In both cases, what I am being told, and what the Congress is being told, is that any time we want to condemn terrorism, Libya, or the atrocities going on around the world aimed at Americans, and even our allies, we are embarrassed to do it at the United Nations because the support would be so minimal.

That is an organization that we pay 25—well, now 20 percent to maintain. We will go to 20 percent of their costs. I think it points out the problems we have with the United Nations.

I have seen the list of the countries who are our friends and the times and the percentages they have supported us. I think that is an embarrassment, too. That is a whole separate question and, I think one we are going to have to deal with.

INTERPRETATION OF FOREIGN AIRPORT SECURITY ACT

If I have any time at all, I would like to ask Chairman Mineta to just comment on his interpretation of the law with regard to the responsibility of the United States and the FAA in ascertaining the safety and security at airports.

Is it as was described here?

Mr. **Mineta**. It is my understanding what you are dealing with is airport security at those foreign airports that are served by U.S. air carriers, and at those foreign airports from which foreign air carriers serve the United States. There is no distinction between whether the passenger is going from New York City to Cairo or from Cairo to Athens. If they say Cairo to New York is safe, then Cairo to Athens has got to be safe.

You can't differentiate and say there are two standards; that New York to Cairo is OK but Cairo to Athens is not. Both have got to be safe. Otherwise, to me, this 90-day requirement ought to be triggered. There is no distinction between the two.

Mr. **Mica**. If the gentleman would yield on that, Mr. Scocozza just indicated—and he is the individual charged with enforcing this—that he doesn't understand the law to apply that way.

What do we do in a situation where we have one of the chief officials in charge of enforcing the law saying that it doesn't—is not being enforced in the way it was intended?

Mr. **Scocozza**. Congressman Mica, if I may, I am not disagreeing with Congressman Mineta's interpretation. What I am saying is we can't get all bound up in the terms that the FAA has created to determine high-risk airports. Some airports are high-risk because of where they service and their particular points. They are high-risk because of an American presence there, an American carrier presence.

An airport that may be a high-risk because it has a substantial amount of traffic between, let's say, New York City and its capital city, may be high-risk for that kind of activity. We have to rely on the intelligence community to help us understand, is that high-risk for all routes in and out of the city? If it is, then your point is well-taken. We have a responsibility to start the 90-day process.

In most situations—and we will be glad to provide that to you on a confidential basis—the intelligence community of the foreign country and the U.S. intelligence community and the Department of State help us understand that the critical routes are principally between the United States and that particular point. For instance, in Cairo and in Athens, routes in-between there and Scandanavia are not high risk.

Mr. **Mica**. The point comes back to the interpretation of the law. You continue to defend your interpretation of the law.

What I am saying, and what I think Mr. Mineta just said, is the law doesn't say we should interpret it that way, either the airport is safe or isn't safe. I think I am fully aware of the airport Mr. Smith described. We are all aware of the airport.

How can the airport be safe for Americans and not safe for anyone else, and not have major problems? It either is safe or it isn't safe. The law doesn't provide for those distinctions. If we find that it is not safe, then we should do something about it.

But we are saying you don't agree with that interpretation of the law; therefore, you have not moved to take any action.

Mr. **Scocozza**. Congressman, I am not saying I am disagreeing with your interpretation. Your interpretation is valid. I apologize if I clouded the situation.

But what I am saying is that we have a responsibility to go in a very detailed basis in terms of the security assessment of individual airports. We channel ourselves in terms of where those risks are. And the intelligence community helps us understand where those risks are.

In some situations, at high-risk airports, a lot of the operations are not considered high risk at all, even if they are on American carriers.

Mr. **Mica**. I won't pursue this. I think we are going around in circles here.

Also, Mr. Chairman, I want to apologize for taking so much time. I yield back all of the remaining time I have.

Mr. **Mineta**. May I use some?

Chairman **Fascell**. Mr. Mineta.

CONDITIONS REQUIRING TRAVEL BANS AND ADVISORIES

Mr. **Mineta**. Just following up, Secretary Scocozza, on Mr. Smith's hypothetical, it seems to me that he laid out a set of conditions that would not, in my mind, be considered a secure airport; that that airport has problems.

What is it that triggers the 90-day period?

Mr. **Scocozza**. Congressman, predominantly, we are looking at where American passengers are traveling to, where American citizens are, where the high-risk airports are. We are also looking at situations where we believe the way to resolve the problems we have discovered is really through that consultative mechanism, that formal consultative mechanism.

I would be pleased to suggest and to show the committee point by point how we have been very successful in a host of countries by getting immediate action by our onsite inspection teams without having to have them come back to Washington, DC. There may be situations—and I don't doubt there may be—over the process of our investigations over the near future that we believe a 90-day period may have to go in place to resolve those problems.

Mr. **Mineta**. Have you had any airports where there have been disagreements, where you have not been able to resolve the problems?

Mr. **Scocozza**. We have been able to resolve all the problems that we have identified, Congressman.

I would also say that as we resolve some problems, another inspection will surface other problems, and we will immediately work to resolve those.

This is a dynamic process. I really do not think we will ever be able to say that we have covered everything for the future either by regulation or by orders, because it is a dynamic process. We may be absolutely comfortable with a particular airport situation today, but down the road there may be a problem. There may be a very weak supervisor put into an airport that we are very comfortable with today, perhaps 2 or 3 months down the road. That weak supervisor may give us cause for concern.

Mr. **Mineta**. Do you know whether flight 840 is still flying the flight from Cairo to Athens to Rome and back to Athens, sort of like a shuttle?

Mr. **Scocozza**. I don't believe it is. I believe TWA now flies only out of U.S. airports.

It does principally serve the same cities and the same patterns, but the air carriers do rest in the United States, or ultimately come to the United States.

DEALING WITH INADEQUATE SECURITY PERSONNEL

Mr. **Mineta**. Based on some information I received from a firm in the United States which provides airport security services, their turnover rate for employees in 1985 ranged anywhere from 120 percent to 283 percent. One of the problems with airport security in the United States is that persons manning the X-ray machines and performing baggage searches are sometimes poorly motivated. We have talked about the pay being low and the job being tedious. The turnover is high.

Would you agree that this is a problem in the United States; and if so, what is the Department of Transportation or FAA doing about that specific situation?

Mr. **Scocozza**. The carriers under our regulations are responsible for maintaining the security provisions in U.S. airports. We are prepared not only to fine the carriers, the airports, but even the subcontractors; for instance, Wells Fargo, Wackenhut, or any security agency that might be performing that level.

I think, Congressman, when you mention the pay, that is a serious concern. For the most part, the people manning these particular electronic devices are being paid minimum wage. That is not an excuse for not doing a job. It is our responsibility to assure that the contractors, the carriers, and the airports, make sure that e proper discipline is utilized there. That is done through a finite process that we have, and will continue to deal with carriers, airports and subcontractors.

Mr. **Mineta**. Is this a similar problem you find at forei ports in terms of high turnover, lack of training, low motiva cetera?

Mr. **Scocozza**. I wouldn't want to make an overgeneraliza would say the same type of problems that exist in the Unit States also exist in foreign countries.

In some situations, their security people are actually trainees senior jobs in the individual airports. Those people are proba more closely supervised and have an incentive to do better.

A lot of the security people that we have in our airports work for security companies that pay minimum wage, perhaps no chance for upward mobility. That is just a personal observation I would make.

I would certainly pass to Mr. Broderick for a more specific answer to your question.

Mr. **Mineta**. Mr. Broderick, when you are responding, in those foreign situations, what are we doing to try to improve the situation?

Mr. **Broderick**. One of the largest parts of our program of airport inspection and consultation is education. We need to focus all the time on the system of security at an airport rather than trying to look too narrowly at individual things. It is deficiencies in the system that are critical to eliminate because we can only be there for hours or days at a time, rather than having a full-time presence at major airports like we do here in the United States.

We try, any time we have information we believe is useful, whether it be educational or what we might call an intelligence nature—we try at every one of these visits to pass on to the governments and the organizations that are doing the screening any of this material so that they may use it.

One of the most significant, I think, outcomes of the legislation that was passed in the inspections that have taken place since then are return visits with teams of people from the FAA, specifically prepared to address in an educational forum shortcomings that we have noted in security systems so that we can strengthen them.

So, I think it is a question of education on a continuing basis as the terrorist threat changes and as our understanding of how to deal with it matures.

I would just go back to the initial part of your question, Mr. Chairman, and point out that I think that security is at least 90 percent a people problem, a human problem; no matter how much technology we are able to develop or use, we still have to have people properly attentive and manning this equipment. That is true here as well as it is overseas.

Overseas, indeed, many times we have actual state civil servants manning security systems rather than private companies here. So, the situation is different from country to country. But the problems in general are not any different.

R&D MONEYS FOR SECURITY EQUIPMENT

Mr. **MINETA**. Could you give us an update on the status of the research and development that was passed in this legislation relating to the new screening devices to detect explosives? I believe we authorized $5 million for vapor detection devices in the legislation.

Could give us an update on that?

Mr. **SCOCOZZA**. Congressman, $4 million has been obligated for that function since that legislation has been passed. We believe it is an adequate level to support the technology as it is being developed.

Incidentally, we are working very, very closely with the Government of Canada, which has really taken this technology very, very far. So this $4 million is not really looked at in a separate—or a vacuum from a lot of technology that has been and will continue to go on in Canada.

But the specifics of that particular technology, I would have to defer to Mr. Broderick, if you have any specific questions.

Mr. **MINETA**. Mr. Broderick.

Mr. **BRODERICK**. Yes, sir. We started with the funds that were made available in the legislation. We also had an amendment to the fiscal year 1986 budget which was presented by the Secretary and passed in the continuing resolution, and have considerable funds in the 1987 budget which, all told, add up to about $30 million to be applied to these technologies and the development of new devices.

We have a variety of things under development that we have talked about, and much of which is public knowledge, some of which isn't. We have a variety of thermal neutron detectors that we are trying to develop for explosives detection in either carry-on or checked baggage. We are looking at vapor detection schemes and a number of other schemes that are suitable for either checked baggage or carry-on luggage, as well as a few schemes that may be useful to detect weapons or explosives onboard, people walking through the system.

As Mr. Scocozza said, I think we have adequate funding for what we feel is anything that is reasonable to pursue today. We don't anticipate any need for additional funds. And right now, if we had more funds, frankly we couldn't move any faster.

We are technology limited. We are working with every country, and agency in this country, that we can, to find a solution to the problems.

IMPROVING PLASTIC EXPLOSIVE DETECTION

Mr. **Mineta**. In the interim, are we doing anything about training dogs, or anything similar to that, in order to deal with plastic explosives detection, since that seems to be the most critical problem at the present time?

Mr. **Broderick**. Actually, plastic is only one kind of the explosives we worry about. It happens to be the type that has gotten a lot of publicity recently. It has been a subject we have addressed for a number of years.

You are correct; we are, in fact, still actively pursuing and funding the dog teams that we use. We are encouraging foreign governments to do that and helping them with those programs.

We are also applying what you might call rudimentary or very basic techniques in our countermeasures to address the specific problems we know about or suspect might occur in the foreseeable future.

Mr. **Mineta**. One final question, Mr. Chairman.

HANDLING OF ICAO NONMEMBERS

Mr. Secretary, what do we do with those countries that are not members of the ICAO? Are some of those airports which are the worst in terms of security or potential high-risk in terms of terrorist activities non-ICAO members? What do we do about those airports in those non-ICAO member countries?

Mr. **Scocozza**. Congressman, in terms of our application of the statute and the way we go about our inspections to everyplace that American carriers travel to, and provide service to and from, and when there is direct service between an airport and the United States where no American carrier presence is, we feel that the ICAO standards are a good term of reference.

But if the country is not a member of ICAO, that does not in any way keep us from considering that continual term of reference for that particular airport. So, if country X is not a member of ICAO, we will still look at it in terms of the ICAO minimum standards and what extra standards we believe are necessary associated with the risk at that particular airport.

INTENT OF FOREIGN AIRPORT SECURITY ACT

Chairman **Fascell**. Gentlemen, let me say as we conclude this particular hearing that it seems that with respect to the implementation of the law on the issuance of 90-day notices, for operational purposes, the criteria has been assigned that clearly doesn't seem to be the intent of the law as we understand it.

That criteria is that—one is a threat assessment from an intelligence standpoint; that is, that the airport is a target of activity or is a conduit for possible activity, terrorist activity.

The other is the operational systemic part of the airport in terms of dealing with passengers and baggage; and that there might be an understandable reluctance to apply 90-day notice in shutting down an airport at the end of that time for whatever reason, whether it is economic or operational.

It really doesn't make any difference. We don't distinguish between the criteria at all, which you seem to do, or at least our Government is doing right now. Whether an airport, because of an intelligence assessment, is a high-risk airport in terms of activity, or is a funnel for terrorism, is one thing and understandable. If an airport is unsafe because of systemic operational problems, that is something else again.

But the law doesn't make any distinction. If the airport is unsafe, that is period. It doesn't say it is unsafe because it is in a high-risk area or it is unsafe because operationally they can't treat passengers and baggage adequately in order to protect the passengers.

Now, how long you can get away with that, I am not sure. I don't think it is going to be a satisfactory operational method. Some thought is going to have to be given to that, because the first time something happens, it doesn't make any difference what your assessment was or what your criteria was. If, after the fact, it was determined it was unsafe for any reason, you are going to have a problem.

You have a lot of committees of the Congress and a lot of people traveling. What we are concerned about is people are entitled to know before they go.

You say people should be reasonable and careful and aware and all that kind of stuff. There is not much you can do about it if somebody plants a bomb on an airline or sneaks something through in baggage. You can be as careful and reasonable as you want to be. The only safe thing is for you to stay home. That is what this law contemplated.

I don't know what operational problems you have, whether it stems from the carriers or economics, or otherwise.

APPLICATION OF WAR POWERS ACT

The other thing, Mr. Secretary, is that there are two questions that arise with respect to the act of striking at terrorists, state-supported terrorism, under the law. One of them is application of the war powers, whether or not the War Powers Act applies or not.

It certainly seems clear that when troops are introduced into combat, prepared for combat, the War Powers Act applies. And that is a legal matter, statutory matter. Let me put it that way.

The question of consultation does not envision under that act that notification—that a decision has been made and the battle plan is being executed. That is not consultation. What consultation envisions is a discussion of the problem and the options that are available and an opportunity for Congress to have some input both on an assessment of the problem and the discussion of the options that are available.

It does absolutely no good to include the Congress on the battle plans. Nobody is interested in the battle plans, frankly. At least, I am not. The law did not contemplate that. So the question of consultation does arise under the statutory provision.

The other question that arises is a simple constitutional question. The President has his responsibility to defend the country and defend American citizens, and cases are clear in terms of exceptions to the constitutional responsibility of the Congress, since only the Congress can declare war. Then the question is, Is it an act of war?

You don't need article 1 of the United Nations Charter to act in self-defense. That article doesn't have a thing to do with it. It just says nothing in the charter shall prevent a country from acting in self-defense.

To say you are acting in self-defense gives you no legitimate right under the UN Charter except that which you have internationally anyway. It is a matter of common sense you have a right to defend yourself. The President has the responsibility of protecting American citizens. He can act to do so.

Grenada is an example of that. The President acted, used the Armed Forces of the United States to invade another country and protect the lives of American citizens who were there.

It is quite another thing to extend that theory, however, and say that you can—a sovereign state can declare, take an act of war against another sovereign state to prevent injury or death to American citizens that has not yet occurred.

So, the question is, If you act in self-defense, is that an act against another country? And the answer is, obviously, of course it is.

The question then arises, Does Congress have a constitutional responsibility under that? This is particularly pertinent in light of the President's statement which he made the other night, in which he expanded the concept of the right of the President acting under his constitutional authority and the right of protecting American citizens abroad to strike preemptive strikes anywhere in the world at any time whenever an act of state terrorism is found to have occurred.

That is a broad abrogation of constitutional power by the President. It takes the Congress entirely out of the loop.

The only thing that is left, if you follow that theory, would be the statutory requirement of the War Powers Act. That is entirely different. The War Powers Act does not change the Constitution, because it can't. That is elementary.

The real question is, if the United States is going to go to war against state-supported terrorism anywhere, any time that the President decides that the President is taking the country to war, any time he decides without the Congress, that is a constitutional question.

Both of those questions seem to me to require the most serious of dialog in this country and a determination by the Congress.

Now we have legislation that wants to expand it even further and take the statutory language that is on the books and expand it to encompass the President's determination which he announced publicly as a policy. That is the policy of this country until it is changed either by the President or the Congress. That is a very serious matter, not to be regarded lightly.

So, that is the issue that we will be studying in the Congress as we consider the legislation, and I hope we consider the specific act.

Mr. **Leach**. Will the gentleman yield?

Chairman **Fascell**. Certainly, Mr. Leach.

DETERMINING SUCCESS OF LIBYAN ATTACK

Mr. **Leach**. First, let me say I am very impressed with the gentleman's description of the problem as it relates to congressional-consultative relations. I would like to take it a little step further in terms of tactics rather than law.

Secretary Whitehead, I think, was right in saying we can't really assess this particular event and its effectiveness except over time. Now that we are a week or two away from the event, as we look at the success and failures of it, it is interesting to note that we successfully showed we were willing to use force, we relieved certain frustrations, and we achieved some military objectives.

In a rather unsuccessful way, we killed the daughter of a head of state—not the head of state himself. We caused a grave reaction among our allies. Very interestingly, we have endangered the life of the President of the United States. I stress this point in a very serious way.

Back in the mid-1960's, we did a reassessment in the Government on the issue of assassination. As we all know, there may or may not have been several assassinations that we were responsible for in the early 1960's. Those actions, if they occurred, were based upon the morality of assassination which was current in the 1950's—given a Hitler, everyone assumed, yes, it was moral under some circumstances to shoot someone. Very few Americans would have said that would have been immoral, if we had the opportunity.

Yet, in the wake of the Kennedy assassination, we came to the conclusion that a policy of assassination produced, among other things, great jeopardy to the President of the United States. No foreign country could defeat the U.S. Army, the U.S. Navy, the U.S. Air Force; but they could sure make us vulnerable to terrorism.

By this particular policy, which has some of the earmarkings of an assassination bombing, we have made ourselves vulnerable to a counterresponse.

Given every account I have read describing Qadhafi as a revenge-oriented person, given the death of a member of his family, as well as the wounding of several others, I think one of the great questions at this time is: Are we prepared to defend ourselves against some of the repercussions?

And then with regard to the War Powers Act, a very interesting further development unfolds. If a massive terrorist counterreaction of a symbolic nature or real nature occurs, what we have precipitated is suddenly the serious consideration that the United States, rather than making preemptive bombing efforts from 40,000 feet, will have to consider invasions—something that would have been beyond the realm of policymaker's imagination 2 weeks ago.

No one in this country was considering the prospect we might invade Libya. But if a given type of counterreaction develops, then it is well within the realm of feasibility that we are suddenly going to be looking at circumstances that do involve the War Powers Act far beyond simply whether it applies to terrorist activities in this kind of setting, but as regards a situation where an act with no consultation in advance precipitated an actual involvement of a much more serious nature between troops.

All I would suggest is that I have never known a time period in which governments should hunker down less and open themselves up more. That is one of the implications of the War Powers Act—not to have hunkered-down decisionmaking.

I just raise these questions because I personally think it was a courageous decision, although definitely a very risky and perhaps faulty decision, that the President made. But it is a decision that is going to take a great deal of understanding of its final repercussions before any of us can be prepared to suggest that a consensus of American policy can be developed.

Chairman **Fascell**. Well, the gentleman is correct. It still, of course, raises the question of whether or not we are going to amend the Constitution by indirection. I don't think anybody contemplated that. I certainly would not want to do it.

I support the act that was taken, but I still think it is important either under the Constitution or the War Powers Act, or both, to have Congress in the loop.

Mr. **Mineta**. Mr. Chairman, I would like to ask unanimous consent the record be kept open for the amount of time that you might determine, so that I might be able to ask a few more questions of Secretary Scocozza and Secretary Whitehead, and for their response as well.[1]

BACKGROUND CHECKS OF AIRLINE EMPLOYEES

Secretary Scocozza, I want to give you a hint of what the question will be. That is, in your testimony, you talk about the draft legislation that has been submitted or is about to be submitted, and that we take prompt action on it relative to the checking on the background of employees.

As I understand it, the airlines have some real questions and concern about that draft legislation, and so I would like to ask you whether or not you are aware of those concerns and whether or not the Department is working with the airlines to come up with a revised draft that might meet their concerns?

Mr. **Scocozza**. We are, Congressman. We have indicated to the carriers and to the Members of Congress and all interested parties that we would be prepared to assure that the regulations that were implemented pursuant to the legislation would certainly specify the parameters of the context of the background checks, how they would be used, the confidentiality of the information, whatever.

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[1] Responses to additional questions appear in appendix 3.

We feel very, very strongly that if we have to assure the credibility and integrity of the people who have access to the airplanes, we must have access to this information.

Chairman **Fascell**. Gentlemen, thank you very much.

We will be submitting questions to you for the record. We would appreciate your responses as soon as practical.[1]

Mr. **Mineta**. Thank you, Mr. Chairman, for these hearings.

Chairman **Fascell**. The subcommittees stand adjourned, subject to the call of the respective Chairs.

[Whereupon, at 1:15 p.m., the subcommittees adjourned, to reconvene at 2 p.m. on Thursday, May 15, 1986.]

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[1] Responses to additional questions appear in appendix 3.

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ECONOMIC IMPACT OF TERRORISM

THURSDAY, MAY 15, 1986

House of Representatives, Committee on Foreign Affairs, Subcommittees on Arms Control, International Security and Science, and on International Operations,

Washington, DC.

The subcommittees met at 2:20 p.m., in room 2172, Rayburn House Office Building, Hon. Daniel A. Mica (chairman of the Subcommittee on International Operations) presiding.

Mr. Mica. The subcommittees will come to order. I welcome each of my colleagues and our witnesses to a joint subcommittee hearing on behalf of the Subcommittee on Arms Control and International Security and Science, and the Subcommittee on International Operations, in regard to the economic impact of terrorism.

I must say at the outset, a number of members are in route to the meeting and should be here shortly, but we have had agreement from the minority to proceed at this time so at least we can begin with the testimony.

We will hear from the Honorable Donna Tuttle, the Under Secretary for Travel and Tourism, the Department of Commerce, the Honorable Joan Clark, Assistant Secretary, Bureau of Consular Affairs, State Department, H. Wayne Berens, Revere Travel, Inc., I understand one of the largest travel agencies in the United States, and Cord D. Hansen-Sturm, the Vice President of Government Affairs of First Family of Travel.

The way I would like to proceed is to have at the table at this time Secretary Tuttle and Assistant Secretary Clark, if you will take your place at the table, and have you proceed, with Secretary Tuttle first and then Secretary Clark.

Before you do, I won't read my entire opening statement, but without objection, I would like to submit it for the record, and simply say this: this is the first of what we hope will be several hearings on the economic impact of terrorism, on tourism and on other areas in our economy and the global economy.

We think, in fact, we know, that the economic impact has been monumental, in the millions, if not the billions of dollars. Some of the figures that we have had are even hard to comprehend.

My own State, Florida, is very sensitive to the problems, the rise and fall of tourism and what impacts tourism. We are one of the top 10 States visited by Europeans, and no one looks for silver linings in catastrophes, but if there is any positive side of this entire equation it is that the United States now may be bracing for one of the heaviest onslaughts of European tourists that we have ever seen.

In fact, I understand from a major air carrier that for the first time in the history of this particular airline's recordkeeping that more than 50 percent, in fact 75 percent, of the passengers traveling to the United States were foreigners coming to the United States for a vacation, which is quite a change from the traditional modes.

Also, we know that travel and tourism by Americans in Europe has been changed dramatically. Plans and cancellations have been made known, which have hit the local tourist industry and the European community with a phenomenal impact.

In Greece, we have had a cancellation rate reported to us of minus 63 percent, or 63 percent cancellation; Italy, 33, almost 34 percent; Western European countries in general, 34 percent; Mediterrean cruises, 32 percent. The numbers go on and on; so there is an economic impact.

I can't think of an industry that would be more appropriate to come forward and talk a little bit about it right here today and with that, we will ask Under Secretary Tuttle to please proceed with her testimony.

[The statements of Mr. Mica and Ms. Snowe follow:]

PREPARED OPENING STATEMENT OF HON. DANIEL A. MICA, CHAIRMAN, SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

For at least three years now we have focused all our efforts on focusing the attention and resources of the United States Government on the need to develop policies to enable the United States to combat terrorism.

Unfortunately, today, very little information has been accumulated to begin understanding the impact of terrorism outside the political sphere and how it is changing our lives. I propose that a careful study of the economic impact will improve our understanding of, and ultimately, our ability to deal with terrorism.

As a starting point, I invite my colleagues and our witnesses to focus their attention on a particular industry, travel, and tourism, and how it has been affected by terrorism. Tourism lends itself very well to such an inquiry not only because it has borne the brunt of terrorism and therefore probably has the most meaningful statistics available, but because a meaningful impact in this field implies that the terrorist has been able to:

Disrupt the largest and fastest growing industry in the services sector of the United States economy and other Western economies;

Hurt these same economies where they are the least prepared and able to defend themselves; and,

Affect every man woman and child by denying them their "human right to travel freely."

I hope that today's hearing will bring to the surface the real dimensions of the problems we face. But before we look at the damage that has been done to this particular activity, I believe it will be useful to review what the tourism industry really means to the United States economy and to the rest of the world. Armed with these facts and a better understanding of the manner in which terrorism inflicts its wounds, then only can we begin to reflect on a course of action.

Without any further ado. I wish to welcome today's witnesses.

PREPARED OPENING STATEMENT OF HON. OLYMPIA J. SNOWE, SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

Mr. Chairman, over the past few years this subcommittee has held hearings on a wide range of topics related to terrorism. We have dealt with the problems of diplomatic security, counter-terrorism policy, airport security, and compensation to the victims of terrorism and their families.

But a broad look at the economic impact of terrorism is important to our dealing with the issue in any comprehensive way. The true cost of terrorism is much greater than the cost of beefing up security to protect Americans and other innocent victims. As many Europeans are learning this summer, lost tourist revenue alone is proving to be greater than many times the cost of isolating Libya economically and politically.

Beyond that, there are other costs that are not quantifiable, and these may be the greatest of all: that is, the potential loss of the free exchange of ideas and cultures made possible by the easy movement of people. In many ways, the movement of people forms the basis of western civilization, and stands as a stark contrast to the severe restrictions on travel in the Soviet bloc.

We must do more to understand the full economic costs of terrorism. It is no understatement to say that the basic tourism industry of Europe and the Mediterranean is at risk. This industry is so important to a number of key nations in the region, that its decimation could lead to severe economic hardship and instability. And who can say with certainty that terrorism will not soon move into the United States itself?

Many in the tourism industry are fearful of admitting just how severe the impact has been in countries such as Israel, Egypt, Greece, and even France. They fear that admitting the seriousness of the damage might only lead to further damage. But I hope our witnesses will speak frankly and fully on this issue. I suspect that the nations of the West will only come together on a coherent policy against terrorism when they publicly admit the fundamental threat it poses to one of our most basic human rights.

I look forward to your comments.

STATEMENT OF HON. DONNA F. TUTTLE, UNDER SECRETARY, TRAVEL AND TOURISM, DEPARTMENT OF COMMERCE

Ms. Tuttle. Thank you, Mr. Chairman.

I am pleased to testify on the impact of terrorism on international tourism. First, however, I would like to define what tourism is and explain some of the reasons why governments promote tourism and why terrorists make it a target.

DEFINITION OF TOURISM

Contrary to what most laymen believe, tourism is not the act of touring. The official definition of the term, as applied by the United Nations means, "Temporary visitors staying at least 24 hours in the country visited." Those who are traveling on business, for study, health treatment, or religious reasons, to attend a meeting or carry out a specific mission, to participate in a sporting event, or to visit family or friends or for recreation are tourists.

The French economist Jean-Maurice Thurot once wrote, I am sure with apologies to the Prussian military strategist Karl Von Clausewitz, that "Tourism is a simple continuation of politics by other means." That was an apt observation.

To open a country to tourism from abroad is basically a political action. It puts that country, its political institutions, and its economic system on public display before the tribunal of world opinion. It tells the world that a country is not only willing to receive foreign nationals, it is willing to be critically compared and it is confident that its international standing and reputation will survive close scrutiny.

To allow the citizens of a country to freely travel abroad is likewise a political action. It enables them to compare their standard of living, their quality of life, and their political rights and freedoms with those found in other countries.

It also shapes the traveler's perceptions of the country he visits, and the opinion he forms while traveling help to shape his political judgment after he returns home.

Governments promote and encourage tourism from abroad for a number of reasons. Tourism increases export earnings, stimulates economic development, promotes closer ties with citizens living abroad as expatriates, and increases foreign public understanding of the host nation's institutions, policies and cultural contributions.

ECONOMIC BENEFITS OF TOURISM

To give you an idea of how tourism contributes to export earnings and economic development, the United States earned $14.1 billion in international tourism receipts and international passenger fares in 1985. In 1984, the U.S. Treasury collected almost as much foreign exchange from sales of tourism services to visiting Japanese as from sales of manufactured goods to Japanese companies.

We earned more from sales of tourism goods to visitors from the Federal Republic of Germany, France, Switzerland, Sweden, Spain, and New Zealand, than from exports of manufactured goods to firms in all six of those countries.

Tourism accounted for more than one-half of U.S. sales of services to Canada; more than two-fifths of U.S. sales of services to Latin America and other western hemisphere countries; one-fourth of such sales to Japan and to Australia, New Zealand, and South Africa, and one-fifth of such sales to the so-called EC-6.

I might add, parenthetically, that although the United States has a $50 billion trade deficit with Japan, our travel account with that country is in surplus by $1 billion.

In 1983, the most recent year for which data are available, 30 of the 50 States earned more than $50 million from sales of tourism services to foreign visitors. That is not domestic; that is just to foreign visitors. Twelve earned more than $100 million; five earned more than $1 billion and two earned more than $2.6 billion. Foreign visitor spending supported more than 2,000 jobs in each of the 20 States and the District of Columbia and more than 312,000 jobs throughout the country.

That same spending generated more than $800 million in city and State sales tax receipts and $837 million in Federal tax revenue.

LOSSES DUE TO TERRORIST ACTIVITIES

Terrorists attempt to disrupt tourism to reduce national export earnings; slow down economic growth; cripple a country's ability to generate jobs, especially for the unskilled and semiskilled; and reduce public confidence in a government's ability to maintain law and order and insure public safety and, of course, to attract worldwide press attention.

Terrorist acts have taken their toll on tourism. The U.S. Travel Data Center reported that after the attacks at the Rome and Vienna airports last December, 35 percent of U.S. international travelers changed their reservations. Of those who made reservation changes, 78 percent, 1.4 million, either canceled or substituted a domestic destination.

On April 29, the European Community Commission released a statement expressing concern, "About the tourism situation in the community which has resulted in substantial losses for all member countries, especially with respect to American tourists. This development is linked to economic factors such as the declining value of the dollar, but above all, the fear of terrorists attacks."

Commission President Jacques Delors and Commissioner in Charge of Tourism Carlo Ripa De Meana, said the "situation threatens to compromise severely the stability of the tourism sector."

The economy of the United States is also feeling the impact of terrorism abroad. Many of the 27,193 travel agencies in the United States exist because of outbound travel. These small businesses, as well as tour operators who specialize in packaging foreign destination, air carriers who operate international routes and hotel chains with properties abroad, have experienced both canceled and declining bookings, a loss in commission income, lower revenues, and smaller profits.

I am especially concerned about evidence that Americans are not flying on U.S. carriers because of the misconception that they are safer traveling via foreign-flag airlines.

To understand the full economic impact of terrorism on tourism, it is necessary to note tourism's global dimensions. In 1985, international tourism receipts worldwide totaled $105 billion, according to the World Tourism Organization.

Europe's share of those receipts was 56 percent, or $59 billion. International tourist arrivals numbered 325 million worldwide. Europe's share of those arrivals was nearly 68 percent or 220 million. Americans constitute a significant portion of Europe's tourist arrivals: about 20 percent of the United Kingdom's, 19 percent of West Germany's, 18 percent of Norway's, 16 percent of Switzerland and the Netherlands'.

When those arrivals decline by one-half to two-thirds, or even by one-third, an impact is felt. About 3 million Americans visited one European country in 1985. A 30-percent drop in U.S. bookings is expected this year. That represents 1 million fewer tourists.

The mean expenditure per U.S. traveler on goods and services obtained outside the United States is about $1,000. While not all of this is spent in a single country, and half of all U.S. nationals who travel abroad visit more than one country, it is obvious that a million in decline in U.S. tourist arrivals could result in a revenue loss as high as $1 billion.

Tourism is big business. Terrorists have long recognized this fact. Ironically, it has taken terrorism to give many foreign political leaders an appreciation of the same fact.

LIBYAN BOYCOTT

When Secretary Whitehead first asked European support for a United States proposal to quarantine Libya, he received a negative response. Most European countries place greater priority on their trade with Libya than on United States public opinion, or their tourism from the United States. Belatedly, one country has realized that the revenue it earned last year from United States tourists exceeded the value of its total trade with Libya.

For all of these reasons, I think it is important that we view the present situation objectively and try to deal with it rationally.

AMERICAN TRAVEL ABROAD

Americans should continue to travel abroad as well as within the United States. Tourism in its highest form is a quest for knowledge. It has the ability to inform and instruct, to teach Americans about the civilization to which they belong and about other civilizations which share our planet. We must not allow the threat of terrorism to interfere with this learning experience.

It is true that the random nature of terrorist acts makes it almost impossible to accurately predict when or where such an incident will occur. That means that timely information about travel conditions and governmental measures to improve travel security is essential.

While our Commerce Department role is to increase the number of U.S. companies, States, and cities which are actively competing for the export travel market, we also have a responsibility to defend the interest of that segment of the industry which sells outbound-imported travel services.

INQUIRIES ABOUT SAFETY OF FOREIGN TRAVEL

Accordingly, since the hijacking of the *Achille Lauro*, when we began receiving telephone calls from nervous travel agents, and would-be overseas travelers, all inquiring about the safety of foreign travel, we have tried to be responsive.

We have referred callers to the State Department, Citizens Emergency Center, which issues travel advisories. We have collected information about measures other agencies of Government are taking to improve traveler safety, and have funneled that information to the travel industry.

We have arranged for members of the industry to meet with the Departments of State and Transportation and report on how terrorism is affecting their business. I have distributed copies of the unclassified Vice President's task force report on combating terrorism to members of the Commerce Secretary's Travel and Tourism Advisory Board, and to members of the Traveler's Security Policy Council, a group which USTTA help found.

WORLDWIDE CONCERN ABOUT TRAVEL SAFETY

I might mention that the council met this morning with members of the Inter-agency Tourism Policy Council to discuss traveler security issues. USTTA is monitoring surveys of public opinion on the safety of traveling abroad and on the public's travel plans. We have played a leading role within the intergovernmental World Tourism Organization in achieving the adoption of resolutions, one, condemning terrorism and two, promoting accession to the principal, international instruments on the suppression of hostage taking and unlawful interference with civil aviation.

I have personally met and shared ideas with representatives of 17 foreign governments who have sought advice on how to handle the terrorism-tourism issue. Above all, we have tried to emphasize the idea that governments have an obligation to maintain safe travel conditions and to provide information about those conditions, so the public may exercise the right to travel in an informed manner.

I think the world understands more about terrorism and its impact on tourism today than a year ago. I think more trade and finance ministers realize that tourism receipts are export earnings and that realistic steps must be taken to minimize any disruption in tourist traffic.

I think that more foreign ministers and prime ministers are aware that tourism can profoundly affect bilateral relations between countries. I hope in the future that foreign ministers and prime ministers will consult their ministers of tourism about policy issues which have the potential to affect inbound tourism.

Tourism is a two-way freedom, inbound and outbound. Effective measures to protect tourism from terrorism must, therefore, be the concern of every nation.

I might just add that that was a shortened version of my original testimony, which I have submitted, along with tables on the impact that tourism has on the economies of many foreign countries.

Thank you very much.

[Ms. Tuttle's prepared statement follows:]

PREPARED STATEMENT OF HON. DONNA F. TUTTLE, UNDER SECRETARY OF COMMERCE

I AM PLEASED TO BE HERE THIS AFTERNOON TO TESTIFY ON THE IMPACT OF TERRORISM ON INTERNATIONAL TOURISM.

FIRST, HOWEVER, I WOULD LIKE TO:

--DEFINE WHAT TOURISM IS, AND

--EXPLAIN SOME OF THE REASONS WHY GOVERNMENTS PROMOTE AND ENCOURAGE TOURISM, AND WHY TERRORISTS MAKE IT A TARGET.

CONTRARY TO WHAT MOST LAYMEN BELIEVE, TOURISM, AS UNDERSTOOD BY THE STATISTICIAN AND THE POLICYMAKER, IS NOT THE ACT OF TOURING. THE OFFICIAL DEFINITION OF THE TERM, AS APPLIED BY THE UNITED NATIONS, AND BEFORE THE ESTABLISHMENT OF THAT ORGANIZATION, BY THE LEAGUE OF NATIONS, MEANS "TEMPORARY VISITORS STAYING AT LEAST 24 HOURS IN THE COUNTRY VISITED." THOSE WHO ARE TRAVELING ON BUSINESS, FOR STUDY, HEALTH TREATMENT OR RELIGIOUS REASONS, TO ATTEND A MEETING OR CARRY OUT A SPECIFIC MISSION, TO PARTICIPATE IN A SPORTING EVENT OR TO VISIT FAMILY OR FRIENDS, OR FOR RECREATION, ARE "TOURISTS."

TOURISM HAS A SIGNIFICANCE FAR GREATER THAN WHATEVER THERAPEUTIC, EDUCATIONAL, CULTURAL OR BUSINESS VALUE IT MAY OFFER THE TRAVELER, OR WHATEVER PROFIT IT MAY BRING TO THE TRAVEL INDUSTRY. IT HAS POLITICAL AND ECONOMIC CONSEQUENCES FOR GOVERNMENTS.

THE FRENCH ECONOMIST JEAN-MAURICE THUROT ONCE WROTE, I AM SURE WITH APOLOGIES TO THE PRUSSIAN MILITARY STRATEGIST KARL VON CLAUSEWITZ, THAT, "TOURISM IS A SIMPLE CONTINUATION OF POLITICS BY OTHER MEANS." THIS WAS AN APT OBSERVATION.

TO OPEN A COUNTRY TO TOURISM FROM ABROAD IS BASICALLY A POLITICAL ACTION. IT PUTS THAT COUNTRY, ITS POLITICAL INSTITUTIONS, AND ITS ECONOMIC SYSTEM ON PUBLIC DISPLAY BEFORE THE TRIBUNAL OF WORLD OPINION. IT TELLS THE WORLD THAT A COUNTRY IS NOT ONLY WILLING TO RECEIVE FOREIGN NATIONALS; IT IS WILLING TO BE CRITICALLY-COMPARED, AND IS CONFIDENT THAT ITS INTERNATIONAL STANDING AND REPUTATION WILL SURVIVE CLOSE SCRUTINY. A GOVERNMENT'S DECISION TO ADMIT FOREIGN TOURISTS ALSO TELLS THE WORLD THAT IT IS WILLING TO HAVE ITS NATIONALS EXPOSED TO INDIVIDUALS WHO CAN BE A SOURCE OF INFORMATION ABOUT THEIR OWN COUNTRY AND CULTURE, AND, ASSUMING THERE IS NO LANGUAGE BARRIER, BE POTENTIAL PROTAGONISTS FOR THEIR GOVERNMENT'S POLICIES.

TO ALLOW THE CITIZENS OF A COUNTRY TO FREELY TRAVEL ABROAD IS LIKEWISE A POLITICAL ACTION. IT ENABLES THEM TO COMPARE THEIR STANDARD OF LIVING, THEIR QUALITY OF LIFE, AND THEIR POLITICAL RIGHTS AND FREEDOMS WITH THOSE FOUND IN OTHER COUNTRIES. IT ALSO SHAPES THE TRAVELER'S PERCEPTIONS AND OPINIONS OF THE COUNTRIES HE VISITS, AND THE OPINIONS HE FORMS WHILE TRAVELING HELP TO SHAPE HIS POLITICAL JUDGMENTS ABOUT FOREIGN POLICY MATTERS AFTER HE RETURNS HOME.

GOVERNMENTS, INCLUDING STATE AND LOCAL GOVERNMENTS, PROMOTE AND ENCOURAGE TOURISM FROM ABROAD FOR A NUMBER OF REASONS. TOURISM:

--INCREASES EXPORT EARNINGS;

--STIMULATES ECONOMIC DEVELOPMENT: MORE EMPLOYMENT OPPORTUNITIES, HIGHER NATIONAL INCOME;

--PROMOTES CLOSER TIES WITH CITIZENS LIVING ABROAD AS EXPATRIATES; AND

--INCREASES FOREIGN PUBLIC UNDERSTANDING OF THE HOST NATION'S INSTITUTIONS, POLICIES AND CULTURAL CONTRIBUTIONS.

TO GIVE YOU AN IDEA OF HOW TOURISM CONTRIBUTES TO EXPORT EARNINGS AND ECONOMIC DEVELOPMENT, THE UNITED STATES EARNED $14.1 BILLION IN INTERNATIONAL TOURISM RECEIPTS AND INTERNATIONAL PASSENGER FARES IN 1985. SALES OF U.S. TOURISM SERVICES TO VISITORS FROM MEXICO IN THAT YEAR EXCEEDED U.S. SALES TO MEXICO OF NINE OF THE TEN "SCHEDULE E" COMMODITY CATEGORIES. A TABLE ILLUSTRATING THIS APPEARS AS AN APPENDIX TO MY WRITTEN STATEMENT. THE U.S. TREASURY COLLECTED ALMOST AS MUCH FOREIGN EXCHANGE FROM SALES OF TOURISM SERVICES TO VISITING JAPANESE, AS FROM SALES OF MANUFACTURED GOODS TO JAPANESE COMPANIES. WE EARNED MORE FROM SALES OF TOURISM GOODS TO VISITORS FROM THE FEDERAL REPUBLIC OF GERMANY, FRANCE, SWITZERLAND, SWEDEN, SPAIN AND NEW ZEALAND, THAN FROM EXPORTS OF MANUFACTURED GOODS TO FIRMS IN ALL SIX OF THOSE COUNTRIES. TOURISM ACCOUNTED FOR MORE THAN HALF OF U.S. SALES OF SERVICES TO CANADA, MORE THAN TWO-FIFTHS OF U.S. SALES OF SERVICES TO LATIN AMERICA AND OTHER WESTERN HEMISPHERE COUNTRIES, ONE-FOURTH OF SUCH SALES TO JAPAN AND TO AUSTRALIA, NEW ZEALAND AND SOUTH AFRICA, AND ONE-FIFTH OF SUCH SALES TO THE SO-CALLED "EC-6" (BELGIUM, FRANCE, THE FEDERAL REPUBLIC OF GERMANY, ITALY, LUXEMBOURG AND THE NETHERLANDS). TABLE II IN THE APPENDIX ILLUSTRATES THIS POINT. I MIGHT ADD, PARENTHETICALLY, THAT ALTHOUGH THE UNITED STATES HAS A $40 BILLION TRADE DEFICIT WITH JAPAN, OUR TRAVEL ACCOUNT WITH THAT COUNTRY IS IN SURPLUS BY $1 BILLION.

IN 1983 --THE MOST RECENT YEAR FOR WHICH DATA ARE AVAILABLE-- 30 OF THE 50 STATES EARNED MORE THAN $50 MILLION FROM SALES OF TOURISM SERVICES TO FOREIGN VISITORS. TWELVE EARNED MORE THAN $100 MILLION, FIVE MORE THAN $1 BILLION, AND TWO MORE THAN $2.6 BILLION. FOREIGN VISITOR SPENDING SUPPORTED MORE THAN 2,000 JOBS IN EACH OF 20 STATES AND THE DISTRICT OF COLUMBIA, AND MORE THAN 312,000 JOBS THROUGHOUT THE COUNTRY. THAT SAME SPENDING GENERATED MORE THAN $800 MILLION IN CITY AND STATE SALES TAX RECEIPTS, AND $837 MILLION IN FEDERAL TAX REVENUE.

TERRORISTS ATTEMPT TO DISRUPT TOURISM TO HAVE A COUNTER-EFFECT ON THE VERY REASONS THAT GOVERNMENTS PROMOTE IT. ATTACKS ON TOURISM AND THE TRAVEL INDUSTRY:

-- REDUCE NATIONAL EXPORT EARNINGS;

-- SLOW DOWN ECONOMIC GROWTH;

-- CRIPPLE A COUNTRY'S ABILITY TO GENERATE JOBS, ESPECIALLY FOR THE UNSKILLED AND THE SEMI-SKILLED; AND

-- REDUCE PUBLIC CONFIDENCE IN A GOVERNMENT'S ABILITY TO MAINTAIN LAW AND ORDER AND ENSURE PUBLIC SAFETY.

EQUALLY IMPORTANT, ATTACKS ON TOURISM ATTRACT WORLD-WIDE PRESS ATTENTION.

TERRORISM DIRECTED AT TOURISM IS NOT NEW. TOURIST HOTELS WERE AMONG THE FIRST TARGETS TO BE DESTROYED BY TERRORISTS WHEN CIVIL WAR BROKE OUT IN LEBANON IN THE SEVENTIES. SEPARATISTS BOMBED BEACH FRONT RESORT HOTELS ALONG SPAIN'S COSTA DEL SOL IN 1979. PHILIPPINE TERRORISTS SET OFF A BOMB AT AN INTERNATIONAL MEETING OF THE AMERICAN SOCIETY OF TRAVEL AGENTS IN MANILA IN 1980 IN AN ATTEMPT TO EMBARRASS THE MARCOS GOVERNMENT -- AND BOMBED FOUR MANILA HOTELS WHERE DELEGATES TO A WORLD TOURISM ORGANIZATION CONFERENCE WERE STAYING.

OVER THE YEARS, IRA TERRORISTS HAVE BOMBED HOTELS AND TOURIST SITES IN LONDON, INCLUDING A RESTAURANT NEAR THE U.S. EMBASSY AND HARROD'S DEPARTMENT STORE, OSTENSIBLY TO DEMONSTRATE THEIR DISPLEASURE WITH THE BRITISH GOVERNMENT'S STATIONING OF TROOPS IN NORTHERN IRELAND, AND WITH U.S. SUPPORT OF THIS ACTION.

MORE RECENTLY, TERRORISTS HAVE:

- BOMBED THE TRAIN STATION IN BOLOGNA, THE AIRPORT TERMINAL IN FRANKFURT, [redacted], NEPAL'S ONLY FOUR-STAR HOTEL, TWA, AIR INDIA AND AIR LANKA JETLINERS, AIRLINE OFFICES IN MADRID, VIENNA, LONDON AND LISBON, AND THE AMERICAN EXPRESS OFFICE IN LYON;
- PLANTED A BOMB IN THE LUGGAGE OF A PREGNANT WOMAN BOARDING A FLIGHT AT LONDON'S HEATHROW AIRPORT BOUND FOR TEL AVIV, AND ABOARD FRANCE'S PRESTIGE TRAIN GRANDE VITESSE (TGV);
- SHELLED THE ROME AND VIENNA AIRPORTS; AND
- HIJACKED NUMEROUS AIRCRAFT, INCLUDING PLANES BELONGING TO TWA, EGYPTAIR, LUFTHANSA AND ALIA.

ALL TOLD, 20 HIJACKINGS AND 14 OTHER CASES OF SABOTAGE TOOK PLACE ABOARD COMMERCIAL AIRLINERS AROUND THE WORLD LAST YEAR.

THESE TERRORISTS ACTS HAVE TAKEN THEIR TOLL ON TOURISM.

THE U.S. TRAVEL DATA CENTER REPORTED THAT AFTER THE ATTACKS AT THE ROME AND VIENNA AIRPORTS LAST DECEMBER, 35 PERCENT OF U.S. INTERNATIONAL TRAVELERS CHANGED THEIR RESERVATIONS. OF THOSE WHO MADE RESERVATION CHANGES, 78% --1.4 MILLION-- EITHER CANCELLED OR SUBSTITUTED A DOMESTIC DESTINATION.

ON APRIL 29, THE EUROPEAN COMMUNITY COMMISSION RELEASED A STATEMENT EXPRESSING ITS CONCERN "ABOUT THE TOURISM SITUATION IN THE COMMUNITY WHICH HAS RESULTED IN SUBSTANTIAL LOSSES FOR ALL MEMBER COUNTRIES, ESPECIALLY WITH RESPECT TO AMERICAN TOURISTS. THIS DEVELOPMENT...IS LINKED TO ECONOMIC FACTORS SUCH AS THE DECLINING VALUE OT THE DOLLAR, BUT ABOVE ALL, THE FEAR OF TERRORIST ATTACKS..." COMMISSION PRESIDENT JACQUES DELORS, AND COMMISSIONER IN CHARGE OF TOURISM CARLO RIPA DE MEANA, SAID THE "SITUATION THREATENS TO COMPROMISE SEVERELY THE STABILITY OF THE TOURISM SECTOR."

ENGLISH NEWSPAPERS ARE HEADLINING THE LOSS OF U.S. TOURIST BUSINESS RESULTING FROM RECENT TERRORIST ACTS. A HEADLINE IN THE APRIL 6TH ISSUE OF THE *LONDON SUNDAY TIMES* ANNOUNCED, "MR. AND MRS. AMERICA GIVE EUROPE A MISS."

EUROPEAN TOURISM MINISTERS ARE REPORTING THAT BOOKINGS ARE DOWN FROM 30 TO 35 PERCENT, IN SOME CASES, AND FROM 50 TO 60 PERCENT IN OTHERS. THE TOURISM OFFICIALS OF ONE COUNTRY HAVE TOLD ME PRIVATELY THAT BOOKINGS ARE DOWN AS MUCH AS 90 PERCENT.

THE ECONOMY OF THE UNITED STATES IS ALSO FEELING THE IMPACT OF TERRORISM ABROAD. MANY OF THE 27,193 TRAVEL AGENCIES IN THE UNITED STATES EXIST BECAUSE OF OUTBOUND TRAVEL. THESE SMALL BUSINESSES, TOUR OPERATORS WHO SPECIALIZE IN PACKAGING FOREIGN DESTINATIONS, AIR CARRIERS WHO OPERATE INTERNATIONAL ROUTES, AND HOTEL CHAINS WITH PROPERTIES ABROAD, HAVE EXPERIENCED BOTH CANCELLED AND DECLINING BOOKINGS, A LOSS IN COMMISSION INCOME, LOWER REVENUES AND SMALLER PROFITS.

I AM ESPECIALLY CONCERNED BECAUSE OF EVIDENCE THAT AMERICANS EMPLOYED ABROAD ARE BEING INSTRUCTED NOT TO FLY ON U.S. AIRLINES DUE TO THE MISCONCEPTION THAT AMERICANS ARE SAFER TRAVELING ON FOREIGN FLAG CARRIERS.

TO UNDERSTAND THE FULL ECONOMIC IMPACT OF TERRORISM ON TOURISM, IT IS NECESSARY TO KNOW TOURISM'S GLOBAL DIMENSIONS. IN 1985, INTERNATIONAL TOURISM RECEIPTS WORLD-WIDE TOTALLED $105 BILLION, ACCORDING TO THE WORLD TOURISM ORGANIZATION. EUROPE'S SHARE OF THOSE RECEIPTS WAS 56 PERCENT, OR $59 BILLION.

INTERNATIONAL TOURIST ARRIVALS NUMBERED 325 MILLION WORLDWIDE. EUROPE'S SHARE OF THOSE ARRIVALS WAS NEARLY 68%, 220 MILLION, A NUMBER SLIGHTLY LESS THAN THE POPULATION OF THE UNITED STATES.

AMERICANS CONSTITUTED A SIGNIFICANT PORTION OF EUROPE'S TOURIST ARRIVALS: ABOUT 20% OF THE UNITED KINGDOM'S, 19% OF WEST GERMANY'S, 18% OF NORWAY'S; 16% OF SWITZERLAND'S AND THE NETHERLANDS'.

WHEN THOSE ARRIVALS DECLINE BY ONE-HALF TO TWO-THIRDS, OR EVEN BY ONE-THIRD, AN IMPACT IS FELT. EVEN IN THE CASE OF ONE COUNTRY, WHERE AMERICANS ACCOUNT FOR LESS THAN 10% OF ALL TOURIST ARRIVALS, NEGATIVE ECONOMIC EFFECTS ARE FELT WHEN TOURISM FROM THE U.S. DECLINES: AMERICANS SPEND MORE PER CAPITA THAN OTHER TRAVELERS. ABOUT 3 MILLION AMERICANS VISITED THE COUNTRY IN QUESTION IN 1985, AND A 30% DROP IN U.S. BOOKINGS IS EXPECTED THIS YEAR. THAT REPRESENTS ONE MILLION FEWER TOURISTS.

BASED ON DATA OBTAINED IN USTTA'S INFLIGHT SURVEY OF U.S. TRAVELERS TO OVERSEAS COUNTRIES, THE MEAN EXPENDITURE PER U.S. TRAVELER ON GOODS AND SERVICES OBTAINED OUTSIDE THE UNITED STATES WAS ABOUT $1,000. WHILE NOT ALL OF THIS WAS SPENT IN A SINGLE COUNTRY, AND HALF OF ALL U.S. NATIONALS WHO TRAVEL ABROAD VISIT MORE THAN ONE COUNTRY, IT IS OBVIOUS THAT A DECLINE OF $1 MILLION U.S. TOURIST ARRIVALS COULD RESULT IN A POTENTIAL REVENUE LOSS AS HIGH AS $1 BILLION.

IN OTHER WORDS, TOURISM IS BIG BUSINESS. TERRORISTS HAVE LONG RECOGNIZED THIS FACT. IRONICALLY, IT HAS TAKEN TERRORISM TO GIVE MANY FOREIGN POLITICAL LEADERS AN APPRECIATION OF THE SAME FACT. WHEN SECRETARY WHITEHEAD FIRST ASKED EUROPEAN SUPPORT FOR A U.S. PROPOSAL TO QUARANTINE LIBYA, HE RECEIVED A NEGATIVE RESPONSE. MOST EUROPEAN COUNTRIES PLACED GREATER PRIORITY ON THEIR TRADE WITH LIBYA THAN ON U.S. PUBLIC OPINION OR THEIR TOURISM FROM THE UNITED STATES. THEY DID NOT ANTICIPATE THAT AMERICANS WOULD BECOME ANGRY AND RESENTFUL AND WOULD DECLINE TO TRAVEL TO COUNTRIES PERCEIVED TO BE "SOFT ON TERRORISM." BELATEDLY, ONE COUNTRY HAS REALIZED THAT THE REVENUE IT EARNED LAST YEAR FROM U.S. TOURISTS EXCEEDED THE VALUE OF ITS TOTAL TRADE WITH LIBYA.

THE IMPACT OF TERRORISM IS NOT ONLY ECONOMIC, OF COURSE. THE CONSEQUENCES ARE ALSO POLITICAL AND PERSONAL. SENSATIONAL TERRORIST INCIDENTS CAN TRIGGER REPRISALS; THEY CAN ALSO UNDERMINE PUBLIC CONFIDENCE IN A GOVERNMENT'S POLICIES AND IN ITS RESOLVE AND ABILITY TO PROTECT ITS CITIZENS AND VISITORS. IN A WORST CASE SCENARIO, TERRORISM CAN DETER AND DIVERT TOURISM AND CAUSE ECONOMIC INSTABILITY AND POLITICAL UNREST.

FOR ALL OF THESE REASONS, I THINK IT IS IMPORTANT THAT WE VIEW THE SITUATION OBJECTIVELY AND TRY TO DEAL WITH IT RATIONALLY. THE CIRCUMSTANCES WARRANT PRECAUTIONARY MEASURES, NOT RETREAT. AMERICANS SHOULD CONTINUE TO TRAVEL ABROAD AS WELL AS WITHIN THE UNITED STATES.

TOURISM, IN ITS HIGHEST FORM, IS A QUEST FOR KNOWLEDGE; IT HAS THE ABILITY TO INFORM AND INSTRUCT -- TO TEACH AMERICANS ABOUT THE CIVILIZATION TO WHICH THEY BELONG, AND ABOUT OTHER CIVILIZATIONS WHICH SHARE OUR PLANET. WE MUST NOT ALLOW THE THREAT OF TERRORISM TO INTERFERE WITH THIS LEARNING EXPERIENCE.

IT IS TRUE THAT THE RANDOM NATURE OF TERRORIST ACTS MAKES IT ALMOST IMPOSSIBLE TO ACCURATELY PREDICT WHEN OR WHERE SUCH AN INCIDENT WILL OCCUR. HOWEVER, AT THE SAME TIME, IT IS EQUALLY TRUE THAT:

-- AIRPORT SECURITY THROUGHOUT WESTERN EUROPE HAS BEEN VASTLY IMPROVED;
-- ARMED GUARDS ARE NOW STATIONED AT SOME DOWNTOWN AIRLINE OFFICES;
-- VISA PROCEDURES HAVE BEEN INSTITUTED TO ENABLE GOVERNMENTS TO MONITOR THE MOVEMENTS OF SUSPECTED TERRORISTS;
-- TERRORIST SUSPECTS HAVE BEEN EXPELLED FROM A NUMBER OF EUROPEAN COUNTRIES, AND SOME TERRORIST PLOTS HAVE BEEN FOILED; AND
-- INTELLIGENCE-SHARING HAS INCREASED; WE KNOW MORE ABOUT TERRORISTS AND WHERE THEY ARE BEING TRAINED.

EACH INDIVIDUAL MUST WEIGH THE PROS AND CONS AND DECIDE FOR HIM OR HERSELF WHETHER OR NOT TO TRAVEL ABROAD.

THE NEED FOR TIMELY INFORMATION ABOUT TRAVEL CONDITIONS AND GOVERNMENTAL MEASURES TO IMPROVE TRAVELER SECURITY CANNOT BE OVER-EMPHASIZED.

WHILE ONE COMMERCE DEPARTMENT ROLE IS TO INCREASE THE NUMBER OF U.S. COMPANIES, STATES AND CITIES WHICH ARE ACTIVELY COMPETING FOR THE EXPORT TRAVEL MARKET, IT ALSO HAS A RESPONSIBILITY TO DEFEND THE INTERESTS OF THAT SEGMENT OF THE INDUSTRY WHICH SELLS OUTBOUND -- IMPORTED -- TRAVEL SERVICES.

ACCORDINGLY, AFTER THE HIJACKING OF THE ACHILLE LAURO, WHEN WE BEGAN RECEIVING TELEPHONE CALLS FROM NERVOUS TRAVEL AGENTS AND WOULD-BE OVERSEAS TRAVELERS, ALL INQUIRING ABOUT THE SAFETY OF FOREIGN TRAVEL, WE HAVE TRIED TO BE RESPONSIVE.

WE HAVE REFERRED CALLERS TO THE STATE DEPARTMENT'S CITIZENS EMERGENCY CENTER, WHICH ISSUES TRAVEL ADVISORIES. WE HAVE COLLECTED INFORMATION ABOUT MEASURES OTHER AGENCIES OF GOVERNMENT ARE TAKING TO IMPROVE TRAVELER SAFETY, AND HAVE FUNNELED THAT INFORMATION TO THE TRAVEL INDUSTRY.

WE HAVE ARRANGED FOR MEMBERS OF THE INDUSTRY TO MEET WITH THE DEPARTMENTS OF STATE AND TRANSPORTATION AND REPORT ON HOW TERRORISM IS AFFECTING THEIR BUSINESS. I HAVE DISTRIBUTED COPIES OF THE UNCLASSIFIED VICE PRESIDENT'S TASK FORCE REPORT ON COMBATING TERRORISM TO MEMBERS OF THE COMMERCE SECRETARY'S TRAVEL AND TOURISM ADVISORY BOARD, AND TO MEMBERS OF THE TRAVELER'S SECURITY POLICY COUNCIL, A GROUP WHICH USTTA HELPED FOUND.

THE COUNCIL FACILITATES THE FORMULATION OF COMMON POSITIONS ON TRAVELER SECURITY AND UNIFIED RESPONSES TO TERRORISM AGAINST TRAVELERS. I MIGHT MENTION THAT THE COUNCIL MET THIS MORNING WITH MEMBERS OF THE INTERAGENCY TOURISM POLICY COUNCIL, TO DISCUSS TRAVELER SECURITY ISSUES.

USTTA IS MONITORING SURVEYS OF PUBLIC OPINION ON THE SAFETY OF TRAVELERS ABROAD AND OF THE PUBLIC'S TRAVEL PLANS. WE HAVE PLAYED A LEADING ROLE WITHIN THE INTERGOVERNMENTAL WORLD TOURISM ORGANIZATION IN ACHIEVING THE ADOPTION OF RESOLUTIONS:

-- CONDEMNING TERRORISM: AND

-- PROMOTING ACCESSION TO THE PRINCIPAL, INTERNATIONAL INSTRUMENTS ON THE SUPPRESSION OF HOSTAGE-TAKING AND UNLAWFUL INTERFERENCE WITH CIVIL AVIATION.

I PERSONALLY HAVE MET AND SHARED IDEAS WITH THE REPRESENTATIVES OF 17 FOREIGN GOVERNMENTS WHO HAVE SOUGHT ADVICE ON HOW TO HANDLE THE TERRORISM/TOURISM ISSUE. ABOVE ALL, WE HAVE TRIED TO EMPHASIZE THE IDEA THAT GOVERNMENTS HAVE AN OBLIGATION TO MAINTAIN SAFE TRAVEL CONDITIONS AND TO PROVIDE INFORMATION ABOUT THOSE CONDITIONS, SO THE PUBLIC MAY EXERCISE THE RIGHT TO TRAVEL IN AN INFORMED MANNER.

TERRORISM IS A FACT OF LIFE AND THE AMERICAN PEOPLE KNOW IT. TERRORISM IS NOT GOING TO GO AWAY SIMPLY BECAUSE TOURISM MINISTRIES TRY TO IGNORE IT, OR TRY TO DIVERT ATTENTION FROM IT BY STEPPING UP THEIR PROMOTIONAL CAMPAIGNS. INFORMATION AND POLITICAL ACTION ARE THE ONLY EFFECTIVE WEAPONS AGAINST TERRORISM.

I THINK THE WORLD UNDERSTANDS MORE ABOUT TERRORISM AND ITS IMPACT ON TOURISM TODAY THAN A YEAR AGO. I THINK THAT MORE TRADE AND FINANCE MINISTERS REALIZE THAT TOURISM RECEIPTS ARE EXPORT EARNINGS, AND THAT REALISTIC STEPS MUST BE TAKEN TO MINIMIZE ANY DISRUPTION IN TOURIST TRAFFIC. I THINK THAT MORE FOREIGN MINISTERS AND PRIME MINISTERS ARE AWARE THAT TOURISM CAN PROFOUNDLY AFFECT BILATERAL RELATIONS BETWEEN COUNTRIES. I HOPE THAT IN THE FUTURE, FOREIGN MINISTERS AND PRIME MINISTERS WILL CONSULT THEIR MINISTERS OF TOURISM ABOUT POLICY ISSUES WHICH HAVE THE POTENTIAL TO AFFECT INBOUND TOURISM. TOURISM IS A TWO-WAY FREEDOM: INBOUND AND OUTBOUND. EFFECTIVE MEASURES TO PROTECT TOURISM FROM TERRORISM MUST, THEREFORE, BE THE CONCERN OF EVERY NATION.

THANK YOU.

TABLE I

COMPARISON OF U.S. EXPORT EARNINGS FROM TOURISM AND FROM SCHEDULE E COMMODITIES, BY SELECTED MARKETS 1984

(billions of dollars)

Mexico

Export Category	U.S. Export Earnings
Machinery & Transport Equipment	$ 5.2
TOURISM	1.9
Chemicals and Related Products	1.3
Crude Materials, Inedible	1.3
Manufactured Goods	1.1
Food and Live Animals	1.0
Miscellaneous Manufactured Goods	0.830
Mineral Fuels and Lubricants	0.369
Communications & Transport Equipment Not Classified Elsewhere	0.252
Oils and Fats	0.167
Beverages and Tobacco	0.002

Japan

Export Category	U.S. Export Earnings
Machinery & Transport Equipment	$ 5.2
Food and Live Animals	4.7
Crude Materials, Inedible	4.6
Chemicals and Related Products	3.0
Mineral Fuels and Lubricants	1.8
Miscellaneous Manufactured Goods	1.5
Manufactured Goods	1.4
TOURISM	1.3
Beverages and Tobacco	0.4
Communications & Transport Equipment Not Classified Elsewhere	0.2
Oils and Fats	0.053

TABLE I (con't.)

COMPARISON OF U.S. EXPORT EARNINGS FROM TOURISM AND FROM SCHEDULE E COMMODITIES, BY SELECTED MARKETS 1984

(billions of dollars)

Federal Republic of Germany

Export Category	U.S. Export Earnings
Machinery & Transport Equipment	$ 4.0
Chemicals and Related Products	1.1
Crude Materials, Inedible	0.944
Miscellaneous Manufactured Goods	0.881
TOURISM	0.552
Manufactured Goods	0.492
Food and Live Animals	0.467
Communications & Transport Equipment Not Classified Elsewhere	0.228
Beverages and Tobacco	0.220
Mineral Fuels and Lubricants	0.089
Oils and Fats	0.020

France

Export Category	U.S. Export Earnings
Machinery & Transport Equipment	$ 3.0
Miscellaneous Manufactured Goods	0.723
Chemicals and Related Products	0.566
Crude Materials, Inedible	0.470
Mineral Fuels and Lubricants	0.292
TOURISM	0.288
Manufactured Goods	0.259
Food and Live Animals	0.245
Communications & Transport Equipment Not Classified Elsewhere	0.141
Beverages and Tobacco	0.017
Oils and Fats	0.011

TABLE I (con't.)

COMPARISON OF U.S. EXPORT EARNINGS FROM TOURISM
AND FROM SCHEDULE E COMMODITIES,
BY SELECTED MARKETS
1984

(billions of dollars)

Switzerland

Export Category	U.S. Export Earnings
Machinery & Transport Equipment	$ 0.685
Miscellaneous Manufactured Goods	0.329
Chemicals and Related Products	0.328
TOURISM	0.187
Manufactured Goods	0.183
Crude Materials, Inedible	0.177
Communications & Transport Equipment Not Classified Elsewhere	0.149
Food and Live Animals	0.080
Beverages and Tobacco	0.069
Mineral Fuels and Lubricants	0.002
Oils and Fats	0.002

Spain

Export Category	U.S. Export Earnings
Crude Materials, Inedible	$ 0.657
Machinery & Transport Equipment	0.581
Food and Live Animals	0.324
Mineral Fuels and Lubricants	0.298
Beverages and Tobacco	0.213
Chemicals and Related Products	0.187
TOURISM	0.113
Miscellaneous Manufactured Goods	0.109
Manufactured Goods	0.070
Communications & Transport Equipment Not Classified Elsewhere	0.037
Oils and Fats	0.017

TABLE I (con't.)

COMPARISON OF U.S. EXPORT EARNINGS FROM TOURISM AND FROM SCHEDULE E COMMODITIES, BY SELECTED MARKETS 1984

(billions of dollars)

New Zealand

Export Category	U.S. Export Earnings
Machinery & Transport Equipment	$ 0.288
Chemicals and Related Products	0.148
TOURISM	0.093
Miscellaneous Manufactured Goods	0.074
Manufactured Goods	0.065
Mineral Fuels and Lubricants	0.039
Communications & Transport Equipment Not Classified Elsewhere	0.027
Crude Materials, Inedible	0.019
Food and Live Animals	0.017
Beverages and Tobacco	0.009
Oils and Fats	0.003

Sweden

Export Category	U.S. Export Earnings
Machinery & Transport Equipment	$ 0.772
Chemicals and Related Products	0.179
Miscellaneous Manufactured Goods	0.166
TOURISM	0.133
Manufactured Goods	0.083
Mineral Fuels and Lubricants	0.080
Food and Live Animals	0.069
Crude Materials, Inedible	0.065
Communications & Transport Equipment Not Classified Elsewhere	0.043
Beverages and Tobacco	0.037
Oils and Fats	0.003

TABLE II

U.S. SALES OF SERVICES BY AREA

1983 - 1984

(Millions of Dollars)

	1983	PERCENT OF TOURISM	1984	PERCENT OF TOURISM
Western Europe	$9,042	23.9%	$13,307	17.6%
EEC-6	6,317	17.5%	6,514	19.5%
United Kingdom	2,958	15.8%	3,064	14.4%
Canada	5,751	55.0%	5,895	52.9%
Latin America and Other W. Hemisphere	7,816	47.7%	7,531	43.7%
Japan	4,856	23.2%	5,309	24.6%
Australia, N. Zealand and S. Africa	1,725	22.5%	1,837	23.9%
Other Asia and Africa	7,488	11.2%	6,605	14.2%

Source: USTTA, based on data contained in Survey of Current Business, March 1985, Table 10, pp. 52 - 57.

Note: Total U.S. sales of services in 1984: 44,157

Percentage of Tourism: 25.9%

Mr. **Mica**. Thank you, and we will proceed with the Honorable Joan Clark, Assistant Secretary, Bureau of Consular Affairs, Department of State.

I might just say, Ms. Tuttle, I think what you have said in summary, that terrorists have imposed economic sanctions on all of Europe, where Europe would not participate in sanctions against terrorists, Europe has accepted sanctions by their inaction and those sanctions are costing them billions of dollars.

Ms. Clark.

STATEMENT OF HON. JOAN M. CLARK, ASSISTANT SECRETARY, BUREAU OF CONSULAR AFFAIRS, DEPARTMENT OF STATE

Ms. **Clark**. Mr. Chairman, members of the committees, thank you for providing me this opportunity to appear before the House Foreign Affairs Subcommittees on Arms Control, International Security and Science, and on International Operations to discuss the impact of terrorism on the Bureau of Consular Affairs operations.

DECREASE IN PASSPORT APPLICATIONS

Terrorist activity has indeed had its effect on the work of the Bureau of Consular Affairs. On the domestic side, in 1985, we issued over 3 million passports to American citizens by early May.

This year we have seen a decrease of approximately 17.8 percent for the same period. While the fear of terrorism certainly plays a part in this decrease, I believe this phenomenon probably can be attributed to a combination of factors: terrorism; the strengthening of foreign currencies; and some very attractive low airfare packages being offered for travel within the United States.

Whatever the reason, Americans are staying within the confines of the United States in large numbers, and this has had its effect on our passport operations during the first two quarters of the fiscal year.

The heaviest domestic impact of terrorism has been on the Bureau's Overseas Citizens Services Emergency Center. That office is charged with answering inquiries from the American public on a wide variety of consular services, including deaths, arrests, disappearances, and medical and financial problems.

TRAVEL ADVISORIES

The travel advisory is a segment of our protection effort. The advisories, formalized as a discretionary service to American citizens in 1978, are intended to alert travelers to conditions which may adversely affect them overseas. The majority of the Department's travel advisories refer to temporary conditions unrelated to matters of physical safety.

These include notifications of expected hotel room shortages; changes in visa customs, and currency requirements; warnings about penalties for blackmarket or narcotics activities; dislocations caused by natural disasters and some health-related matters.

Of obviously greater concern to the American traveling public at this time are advisories which describe conditions of civil and political unrest, crime and actual warfare. There are relatively few of these advisories in effect at any time.

Although five security related advisories at this time counsel totally avoiding travel to a particular country, most such advisories inform Americans of the need for caution or for avoiding certain specific areas within a country.

Security related advisories usually reflect an established trend or pattern of violence not previously experienced in an area. For that reason, isolated international terrorist attacks, which can and do occur virtually anywhere at any time, do not trigger travel advisories.

The exception would be a country whose government consistently failed to provide reasonable security against such attacks, or when adequate security measures were not in place. In this connection, after the TWA 847 hijacking last June the Department promptly issued an advisory to let the traveling public know that the United States did not consider security at the Athens airport was adequate. When the Government of Greece installed additional security measures, the advisory was lifted.

Since then, Public Law 99-83 was enacted, the International Security and Development Act of 1985, which mandates that the Secretary of State shall immediately issue a travel advisory when the Secretary of Transportation determines that, as a result of inadequate safety measures, conditions exist at a foreign airport which endanger the safety or security of passengers or crew. Consultations are proceeding with a number of foreign governments and to date it has not been necessary to issue a travel advisory pursuant to this provision.

Individual travel advisories for specific countries are available to the public at any of the 13 regional passport agencies, U.S. diplomatic and consular missions abroad, and from the Citizens Emergency Center in the Department of State.

The U.S. air raid on Libya and subsequent threats of terrorist retaliation against Americans have led to an unprecedented interest on the part of the American public in State Department travel advisories and the Department's view on safety of travel.

The Department has consistently tried to take a nonalarmist approach to the question of travel safety overseas, pointing out that there are no security-related travel advisories for any of the European countries and that there is no general advisory against travel because of terrorist threats.

In fact, in his recent testimony before the House Foreign Relations Committee's hearing on tourism and terrorism, Deputy Secretary Whitehead was asked if he considered it safe for Americans to travel to Europe. He responded, "Yes, we believe it is safe if Americans use proper care and caution."

CITIZENS EMERGENCY CENTER

Nevertheless, the Citizens Emergency Center has been flooded with calls from American citizens who want to know if it is safe to travel. Over the past 3 months, the Center has received over 500 calls a day. The questions for the most part focus on whether it is safe to travel to Europe and the Mediterranean, but spill over to any area where there have been reports of problems, the most recent, of course, Chernobyl.

It is clear, however, that setting aside natural disasters, the threat of terrorism appears to have produced a general caution among travelers.

INCREASE IN NONIMMIGRANT VISA APPLICATION

Perhaps the greatest impact of terrorism will be on our overseas operations. During the month of April, we have seen a significant increase in the number of applicants for nonimmigrant visas in some of the major European cities.

London and Edinburgh have reported a 43-percent increase over April 1985, Belfast an 89-percent increase. During the first 4 months of 1986, Bonn saw an average increase of 19 percent over the same period in 1985, ranging from 2 percent in March to 34 percent in April.

They expect this trend to continue into May with over 10,000 visas to be issued. Frankfurt has experienced a similar 20- to 25-percent increase, and for the first time in 4 years, issued over 10,000 NIV's during the month of April. Munich, Hamburg, and Stuttgart are reporting increases echoing the two larger German posts.

NIV issuance was also up 30 percent in Milan, Italy for the month of April 1986, as compared with April 1985. Osaka-Kobe, Japan is experiencing a similar increase in its workload.

Certainly not all of this increase can be attributed directly to the fear of terrorism. In Japan, the strength of the yen and attractive airfare packages are planning a major role. While there is no doubt that the present monetary climate has fueled the NIV explosion in England and Germany, it cannot be ignored that the present uncertainty about traveling to the sunshine meccas on the Mediterranean has added to the allure of American vacation spots. All signs point to the present trend continuing.

This completes my testimony and I will be happy to answer any questions.

[Ms. Clark's prepared statement follows:]

PREPARED STATEMENT OF HON. JOAN M. CLARK, ASSISTANT SECRETARY OF STATE FOR CONSULAR AFFAIRS

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This completes my testimony and I will be happy to answer any questions.

Mr. MICA. Thank you, Ms. Clark.

Without objection from the subcommittee, I would like to bring up our other two witnesses as part of the panel and hear their testimony, then we will question all four.

Mr. Berens from Revere Travel and Cord D. Hansen-Sturm, vice president for Government Affairs, First Family of Travel, as I understand it, two of the largest—am I supposed to say the greatest travel agencies in the world—two of the largest travel agencies in the United States. Mr. Berens, with no prejudice, you may go first.

STATEMENT OF H. WAYNE BERENS, PRESIDENT, REVERE TRAVEL, INC., MEMBER AT LARGE, TRAVELERS SECURITY POLICY COUNCIL

Mr. BERENS. Thank you, Mr. Chairman.

My name is Wayne Berens and I am the founder and president of Revere Travel in Trenton, N.J., a unique $38 million travel agency founded in 1960. Revere Travel has been a member of the American Society of Travel Agents since 1971. As a member of ASTA's board of directors from 1978 to 1982, I have held various posts in ASTA, including chairman of the inbound tourism committee, and chairman of the education and training committee.

I currently serve as a member of the ASTA aviation and automation committee. Perhaps most relevant to this hearing, I am a member of the Travelers Security Policy Council, a group of travel industry officials formed by ASTA to address the issue of traveler safety.

I am also chairman of the Mercer County Airport Scheduled Services in Trenton, NJ, and a member of the board of directors of the Institute of Certified Travel Agents.

My remarks today are made while wearing my travel agent and ASTA hats, although I will also discuss the efforts of the Traveler Security Policy Council.

Travel agents are a good barometer of the current state of the travel industry, since anything that happens in one part of the industry affects our business. When terrorists hijacked the *Achille Lauro,* our cruise business was affected.

When an airplane or an airport is the target of terrorism, our airline ticket sales go down. Coping with the current situation is labor intensive, whether we only give our point of view or whether we have to cancel longstanding plans and rebook on short notice.

As president of Revere Travel Agency, I believe I can offer a somewhat unique perspective on the travel industry. One recent study indicates that Revere Travel ranks No. 41 out of 27,000 travel agencies and we are somewhat unusual in our mix of business, which is 42 percent corporate travel, 53 percent leisure travel, and 5 percent group travel.

Being situated in central New Jersey results in a clientele which is a cross section of Americana. Our customers cross all social and economic boundaries and the impact the current crisis has had on our business is probably typical of the impact experienced by other travel firms across the country.

Because we are on the east coast, however, we may have more emphasis on European travel, although not to the extent experienced by firms which specialize in one ethnic market. In a moment I will discuss Revere Travel's experience.

SIGNIFICANT REDUCTION IN AMERICAN OVERSEAS TRAVEL

I am not here today to deny that a problem exists in international travel. It is hard to forget, since the media reminds us of this daily. We in the industry have seen some of the same grim numbers as you as they pertain to cancellations and reductions in American travel to overseas destinations.

While some of these numbers seem exaggerated to us, ASTA has not developed its own statistics and we are therefore not in a position to confirm or deny assessments of the impact of terrorism.

I would suggest that there is difficulty when trying to develop accurate figures. Those who have determined the impact on their firm's business are sensitive about revealing what the true numbers are. The revelation of a negative number perpetuates further negative numbers. This information is competitive in nature, and of course, firms are reluctant to share their business secrets with their competitors and the rest of the population.

In addition, it has been suggested that there are other factors which impact on American's travel plans, such as lower gas prices, a weaker dollar, and special events in North America. In light of the fact that some numbers being used are suspect, it is possible that others could introduce contradictory figures, with different implications.

Yes, there is a negative impact, but let us not become overly fascinated by these numbers. Having said this, allow me to give you a glimpse into Revere Travel's experiences. There has been a negative impact on our European bookings, and we have seen a definite correlation between terrorist incidents and booking patterns immediately thereafter.

In 1986, and particularly in recent weeks, we have experienced in our leisure business an approximately 65-percent cancellation rate for European travel, although nearly one-half of these clients we have rebooked to other destinations. Of these, two-thirds will be traveling in the United States, and the remaining one-third will go to foreign destinations, especially the South Pacific, but also the Caribbean and some South American countries.

CONCERN WITH FLIGHT OPERATIONS

One concern we have detected is in flight operations. People who are nervous about terrorism are concerned about flying. They sometimes book a domestic flight to a cruise ship departing from a domestic port. Perhaps as a result of this trend we have new cruise departures from Philadelphia and New York.

Our corporate business has not been affected as much as our leisure business. This trend seems to hold true throughout the spectrum of small businesses to very large ones. We have seen only about a 10-percent reduction in business travel.

There is some concern about which carriers to fly, and which cities to fly to and through. The Mediterranean basin is the area which is causing the highest level of discussion.

I believe the business community senses that there is no part of the world that is totally without risk. They remind us that even northern Europe has had problems.

In our group business we have had clients change their destinations. Recently a group of 174 decided to travel west to Hawaii rather than east to London. Our group business, however, has not been as affected as some tour operators or agents may have been because we do not concentrate on any single part of the world, and we have a diverse clientele.

TRAVEL SECURITY POLICY COUNCIL

Since travel usually involves interrelationships between various sellers and suppliers, ASTA acted to bring representatives of the various elements of the industry together to address the issue of terrorism. ASTA's chairman, Joe Hallissey, spearheaded the formation of the Travelers Security Policy Council, which is comprised of the following individuals:

Ron Zeller of CLIA and NCL, Gabe Philips of the Air Transport Association, Donal McSullivan of the European Travel Commission and the Irish Tourist Board; Henry Duffy of the Air Line Pilots Association; Bob Whitley of USTOA; Jim Gaffigan of the Travel and Tourism Government Affairs Council; Art Panganipan, chief officer of ASTA International; Byron Argiri, former chief officer of ASTA International; Carl Helgren, former ASTA chairman of the board; Ray Shockley, ASTA president; and me.

In addition I might add Donna Tuttle, the Under Secretary of Travel and Tourism and a witness before this subcommittee serves on the council in an advisory capacity.

I would like to share with you our statement of purpose.

The Travelers Security Policy Council is established to maximize travel safety, encourage an ongoing dialog between industry and Government on critical issues which affect the traveler and his security; and to facilitate the formulation of common positions on traveler security and unified responses to terrorism against travelers.

Toward these ends, the council resolves to gather and exchange information about measures instituted by governments and private sector to improve traveler safety, terrorist incidents and their impact on tourism bookings and departures and public policies which shape the traveler's perceptions of the adequacy of counterterrorist measures.

Travel is a fundamental human right. Governments have affirmed this right, and they have an obligation to maintain safe travel conditions and to provide information about those conditions so the public may exercise the right to travel in an informed manner.

The council believes there is a relationship between official policies, travelers' perceptions, travelers' decisions, and nations' earnings from tourism. The council further believes that the leaders of governments should consider or consult their tourism advisors about public policies which have the potential to affect traveler perceptions about safety conditions.

The council is concerned that lack of consideration and consultation can have an adverse effect on international tourism and the economics of nations. It is the council's conviction that the travel industry and public tourism officials, worldwide, can be a positive resource to political leaders and can provide them with accurate information on travel and consumer behavior, the national interest in tourism and the economic consequences of official policies on international travel.

The council will endeavor to establish an authoritative travel industry voice to communicate to governments the economic effect of terrorism on tourism, to create an information clearinghouse to collect available statistics which make it possible to measure the impact of terrorist incidents on travel and to maintain a data base so that the level of travel bookings and activity can be monitored, compared and evaluated; to institute a consumer information program about measures taken by governments and industry to improve traveler safety; to establish communication links with foreign political leaders, U.S. travel trade components, the press, and agencies of the U.S. Government which share responsibility for traveler safety or which develop and carry out U.S. counterterrorism policies; to work constructively with legislative bodies in their efforts to deal with terrorism in a manner which preserves freedom of travel; to encourage governments to work together on existing international agreements aimed at improving traveler security and to take other collective and independent actions to raise standards of traveler safety; and to assist governments to formulate public information guidelines about travelers' security.

This statement forms the basis for the work of the Travelers Security Policy Council.

While we do not pretend that our efforts will solve what is essentially a political problem, we feel that the industry must act together. All of us hope to be able to soon concentrate our energies more on discussing the benefits of travel and tourism. In economic terms, we are discussing over $225 billion spent on travel and tourism in 1984. This represented 6.2 percent of the U.S. gross national product, and at that time tourism expenditures were rising at a rate of 10.3 percent annually. The travel industry is the Nation's third largest retail or service industry. It employs 4.1 million Americans directly and generated $50.9 billion in U.S. wages and salaries in 1984, and ranked as the first, second, or third largest employer in 41 States; in 14 States, it was the No. 1 employer.

ASTA CONGRESS HELD IN ROME

But travel represents more than money. ASTA held its most recent Congress in Rome in November, and we were fortunate to have an audience with Pope John Paul at the Vatican. I would like to close my comments today with some of his remarks.

> There are many human values which are encouraged and enhanced by tourism * * *. Yet, I cannot overlook certain negative factors also connected with tourism. I refer to those practices which can demean the tourists themselves or serve to exploit the countries visited. What is important is that the basic dignity of every person be respected, both the dignity of the visitor and that of the people being visited.
>
> In considering the positive developments that have taken place during the last several decades, we can see in many cases how tourism has strengthened unity and fraternal solidarity between individuals and between nations. The world is becoming a global village in which people from different continents are made to feel like next-door neighbors. Modern transportation has removed many of the obstacles formerly imposed by geographical distances. It has enabled people to appreciate each other better and to engage in fruitful dialogue and mutual exchange. Through the recreation and leisure made possible by travel, people are restored and renewed, body and spirit. They return home to family and work with new perspective and enthusiasm for life.

Mr. Chairman, I look forward to the day when Americans and people everywhere can travel safely and without fear. Thank you for the opportunity to address your subcommittee, and I will try to answer any questions you may have.

Mr. Mica. Thank you, Mr. Berens.

[Mr. Berens' prepared statement follows:]

PREPARED STATEMENT OF H. WAYNE BERENS, CTC, AMERICAN SOCIETY OF TRAVEL AGENTS, INC.

Mr. Chairman, Members of the Subcommittee:

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Chairman of the Inbound Tourism Committee, and

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* maximize travel safety
* encourage an ongoing dialogue between industry and government on critical issues which affect the traveler and his security; and to
* facilitate the formulation of common positions on traveler security and unified responses to terrorism against travelers.

Toward these ends, the Council resolves to gather and exchange information about:

- Measures instituted by governments and private sector to improve traveler safety;
- terrorist incidents and their impact on tourism bookings and departures; and
- public policies which shape the traveler's perceptions of the adequacy of counter-terrorist measures.

Travel is a fundamental human right. Governments have affirmed this right, and they have an obligation to maintain safe travel conditions and to provide information about those conditions so the public may exercise the right to travel in an informed manner.

The Council believes there is a relationship between official policies, travelers' perceptions, travelers' decisions and nations' earnings from tourism. The Council further believes that the leaders of governments should consider, or consult their tourism advisors about public policies which have the potential to affect traveler perceptions about safety conditions.

The Council is concerned that lack of consideration and consultation can have an adverse effect on international tourism and the economies of nations. It is the Council's conviction that the travel industry and public tourism officials, worldwide, can be a positive resource to political leaders and can provide them with accurate information on travel and consumer behavior, the national interest in tourism and the economic consequences of official policies on international travel.

THE COUNCIL WILL ENDEAVOR:

- to establish an authoritative travel industry voice to communicate to governments the economic effect of terrorism on tourism;
- to create an information clearinghouse to collect available statistics which make it possible to measure the impact of terrorist incidents on travel, and to maintain a database so that the level of travel bookings and activity can be monitored, compared and evaluated;
- to institute a consumer information program about measures taken by governments and industry to improve traveler safety;
- to establish communication links with foreign political leaders, U. S. travel trade components, the press, and agencies of the U. S. Government which share responsibility for traveler safety or which develop and carry out U. S. counter-terrorism policies;
- to work constructively with legislative bodies in their

efforts to deal with terrorism in a manner which preserves freedom of travel;

- to encourage governments to work together on existing international agreements aimed at improving traveler security and to take other collective and independent actions to raise standards of traveler safety; and
- to assist governments to formulate public information guidelines about travelers security.

This Statement forms the basis for the work of the Travelers Security Policy Council.

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"There are many human values which are encouraged and enhanced by tourism....Yet, I cannot overlook certain negative factors also connected with tourism. I refer to those practices which can demean the tourists themselves or serve to exploit the countries visited. What is important is that the basic dignity of every person be respected, both the dignity of the visitor and that of the people being visited.

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Mr. Chairman, I look forward to the day when Americans and people everywhere can travel safely and without fear. Thank you for the opportunity to address your subcommittee, and I will try to answer any questions you may have.

Mr. **Mica**. Mr. Hansen-Sturm, let me indicate all of the prepared testimony will be included in the record.

STATEMENT OF CORD D. HANSEN-STURM, VICE PRESIDENT FOR GOVERNMENT AFFAIRS, FIRST FAMILY OF TRAVEL

Mr. **Hansen-Sturm**. Thank you, Mr. Chairman. I will try to keep this short. Thank you for the opportunity to comment on how severely the national reaction to terrorism is impacting on the travel economy. I am an economist of the First Family of Travel, a group of U.S. tour operators whose raison d'etre is diversification in many regional markets in order to survive sudden shifts in travel patterns. The confusion, fear, and anger that is dramatically reducing American travel flows to Europe and the Mediterranean this year is a severe test of the transatlantic travel industry.

NATIONAL HYSTERIA OVER TERRORISM

I will abbreviate my written testimony into a few observations on cause and effect. First, what caused the hysterical U.S. public reaction to the threat of terrorism? Terrorism is an historical phenomenon with which most political cultures have learned to live much as Americans accept violent crime. Terrorism directed at the symbols of American overseas power such as embassies, military bases, airlines, and citizens has only recently caught the U.S. media's full and protracted attention, resulting in what can only be called a national hysteria.

Whereas the combination of unfamiliarity and television hype had a noticeable impact on U.S. travel decisions in 1985, it was not until the U.S. Government decided to wage economic and military war on one terrorist haven that the bottom dropped out of the transatlantic travel market. After the Rome and Vienna airport attacks in December 1985, the U.S. Government generated more terrorism news than all the subsequent world terrorist incidents combined by announcing that it would first seek to isolate Libya economically, and if economic embargo failed to deter Qadhafi, the United States would punish Libya militarily. The considerable ability of the White House and national security and foreign policy agencies to focus media attention has concentrated American hopes and fears for 5 months on an escalating battle with no end in sight.

MILITARIZATION OF COUNTERTERRORISM POLICY

Guns and tourism do not mix. Tourists avoid war zones. Despite the reality that Europe is as peaceful and safe as America, potential travelers perceive Europe to be dangerous and millions of them are avoiding the continent this year. I want to emphasize the point that the militarization of counterterrorism policy has dramatically increased the economic damage over what it would have been had the United States chosen to continue as other countries have done to treat terrorism as a crime of individuals rather than as guerilla wars of national states.

ECONOMIC DAMAGE

My next comments are about the economic damage brought about by changed perceptions in the United States about the safety of travel to Europe. We know it will be reckoned in billions of dollars in losses to the transatlantic travel industry in 1986. The suppliers to that industry will suffer additionally the decline of their travel company customers. A greater, yet incalculable economic and social cost will be borne by the United States, European, and Mediterranean nations from the restriction of direct person-to-person communication.

It is not generally considered to be so, but I believe it to be, that travel is the Nation's principal international communications medium, perhaps even more significant to the information-based political economy than either telecommunications or print. When several million American brains are deterred from directly observing and communicating with the real world outside our borders, a far greater calamity has occurred than were there a proportional blackout of satellite telecommunications.

INTERNATIONAL TRAVEL INFRASTRUCTURE VITAL TO NATION'S INTERNATIONAL COMMUNICATIONS

The international airlines, cruise lines, land transport companies, hotel chains, tour operators and travel agents that comprise much of the U.S. portion of the international travel infrastructure are vital to the Nation's international communications. The context of American foreign policy is more dependent on flag carriers than it is on satellites—yet preserving U.S. overseas travel flows and the U.S. travel infrastructure has not been a priority of U.S. counterterrorism policy.

On the contrary, instead of trying to minimize distortions in travel patterns while maximizing travelers' safety, U.S. counterterrorism policy has tended to maximize travel distortions and to minimize travelers' safety, at least in the short run while military and economic force is being applied in ever larger doses to a single terrorist operations base that is striking back. The effect is to reduce both travel flows and travelers' security. In the short run terrorists clearly have the upper hand as they have co-opted U.S. policy to help them isolate destinations and thus increase their prestige and leverage.

NATIONS MOST AFFECTED

What countries and what industry sectors are suffering most? Israel, Egypt, Greece, Yugoslavia and Turkey are critical strategic Mediterranean countries vital to United States foreign policy. Collectively they receive tens of billions of U.S. military and economic assistance each year to keep them economically and militarily afloat. Tourism is the largest dollar income generator of the first four of the five, and U.S. travel dollars lost to these countries will be replaced by U.S. taxpayers in direct grants.

Western Europe as a whole will lose billions of dollars in 1986 as millions of Americans avoid the continent. The countries closest to and most integrated with the Arab world are perceived as the most likely staging areas for new anti-U.S. terrorist theater. Thus, U.S. tourism has decreased considerably more to Italy, France, and Austria than it has to the United Kingdom and Scandinavia. All are hurting, but not nearly so much as the Mediterranean developing countries.

However, U.S. travel expenditures to Europe comprise less than 2 percent of all travel expenditures in Europe. There, as here, most tourism is done by families in cars. Thus there has been a grave misperception on the part of those Americans who expect that reduced U.S. travel expenditures in Western Europe will force European governments to heel to the U.S. embargo of Libya.

AMERICAN TRAVELL COMPANIES SUFFER SEVERE LOSSES

The big losers are American travel companies. Tour operators have been hit especially hard as group pleasure travel is off more than individual pleasure travel, and discretionary pleasure travel is off more than nondiscretionary business travel. The short-term impact on some tour operators is devastating. There will be a long-term effect as well because European governments and travel companies will react to fill the gaps that are opening now in their U.S. travel distribution system.

Travel agents in the United States dependent on European travel are being hit as hard as the specialized tour operators. The most vulnerable U.S. travel companies are the U.S. international airlines that serve Europe and the Mediterranean.

The losses of American transatlantic carriers in the first quarter of 1986 are staggering. Similarly, the U.S. overseas international hotel chains are more vulnerable than their European competitors because they are more dependent on the U.S. travelers who are being deterred by fear of terrorism.

CONGRESSIONAL ACTION

Incentive travel and convention travel in Europe is in depression. U.S. legislatures are overreacting to terrorism in ways that harm the travel industry. For example, the House of Representatives passed the Omnibus Anti-Terrorism Act of 1986 with an amendment that would encourage the Secretary of State to issue travel advisories to discipline America's allies victimized by state-supported terrorists who do not wish to cut off official communication with foreign governments. Travel advisories which are intended to inform Americans of real dangers to travel abroad are the best way to counter terrorism as they provide citizens with reliable knowledge about real conditions abroad. The recent good advisory about the nuclear catastrophe in Chernobyl by being precise, timely and accurate limited panic due to fear and helped preserve travel flows. Travel advisories cannot remain reliable consular protective instruments if they are turned into economic weapons and political signaling devices to pressure allies into being tougher on terrorists. The amendment jeopardizes American lives as it will reduce the credibility of travel warnings.

I gave in my written report examples of a New York law to protect consumers from the economic effects of terrorism which would have the effect of bankrupting several New York travel companies.

In conclusion, my principal objective in testifying today is to try and draw attention to the important economic and other foreign policy role of America's overseas travel infrastructure which literally supports America's traveling eyes and ears abroad. A sensible counterterrorism policy must minimize distortions to America's vital foreign travel flows and maximize the safety of American travelers.

Thank you, sir.

[Mr. Hansen-Sturm's prepared statement follows:]

PREPARED STATEMENT OF CORD D. HANSEN-STURM, VICE PRESIDENT, FIRST FAMILY OF TRAVEL

Thank you for the opportunity to comment on how severely the national reaction to terrorism is impacting on the travel economy. I am an economist of the First Family of Travel, Inc., a group of U. S. tour operators whose raison d'etre is diversification in many regional markets in order to survive sudden shifts in travel patterns. The confusion, fear and anger that is dramatically reducing American travel flows to Europe and the Mediterranean this year is a severe test of the trans-atlantic travel industry.

Terrorism is an historical phenomenon with which most political cultures have learned to live much as Americans accept violent crime. Terrorism directed at the symbols of American overseas power such as embassies, military bases, airlines, and citizens has only recently caught the U.S. media's full and protracted attention, resulting in what can only be called a national hysteria.

Terrorism is political theater in which a few travelers are killed in atrocities staged for the media in order to frighten away many travelers. Whereas the combination of unfamiliarity and television hype had a noticeable impact on U.S. travel decisions in 1985, it wasn't until the U.S. government decided to wage economic and military war on one terrorist haven that the bottom dropped out of the transatlantic travel market. After the Rome and Vienna airport attacks in December 1985, the U. S. government generated more terrorism news than all the subsequent world terrorist incidents combined by announcing that it would first seek to isolate Libya economically, and if economic embargo failed to deter Qadafi, the U. S. would punish Libya militarily.

The considerable ability of the White House and national security and foreign policy agencies to focus media attention has concentrated American hopes and fears for five months on an escalating battle with no end in sight.

Guns and tourism do not mix. Tourists avoid war zones. Despite the reality that Europe is as peaceful and safe as America, potential travelers perceive Europe to be dangerous and millions of them are avoiding the continent this year. I want to emphasize the point that the militarization of counter-terrorism policy has dramatically increased the economic damage over what it would have been had the United States chosen to continue as other countries have done to treat terrorism as a crime of individuals rather than as guerilla wars of nation-states.

What is the damage? We know that it will be reckoned in billions of dollars in losses to the transatlantic travel industry in 1986. The suppliers to that industry will suffer additionally the decline of their travel company customers. A greater yet incalculable economic and social cost will be borne by the United States, European and Mediterranean nations from the restriction of direct person-to-person communication.

Travel is the nation's principal international communications medium, perhaps even more significant to the information-based political economy than either telecommunications or print. When several million American brains are deterred from directly observing and communicating with the real world outside our borders, a far greater calamity has occurred than were there a proportional blackout of satellite telecommunications.

Whereas it will be relatively easy to document the several billion dollar damage this year to the travel companies that comprise the international travel infrastructure, far greater economic and social harm will come from the loss to the nation of the information on how the world works that would have returned home in the brains of the businessmen, scholars, scientists, politicians, and other citizens. Long distance travel is as much a function of education as it is educational. Several million members of the nation's most educated power elites this year will huddle within Fortress America reduced to a sharply limited view of reality abroad compared to what they would have observed with their own eyes and ears. Looked at from yet another perspective, the information and impressions these elites would have transferred abroad are the substance of much of an open society's foreign policy.

The international airlines, cruiselines, land transport companies, hotel chains, tour operators and travel agents that comprise much of the U.S. portion of the international travel infrastructure are vital to the nation's international communciations. The context of American foreign policy is more dependent on flag carriers than it is on satellites - yet preserving U.S. overseas travel flows and the U.S. travel infrastructure has not been a priority of U.S. counter-terrorism policy.

On the contrary, instead of trying to minimize distortions in travel patterns while maximizing travelers safety, U.S. counter-terrorism policy has tended to maximize travel distortions and to minimize travelers safety, at least in the short run while military and economic force is being applied in ever larger doses to a single terrorist operations base that is striking back. In the short run terrorists clearly have the upper hand as they have coopted U.S. policy to help them isolate destinations and thus increase their prestige and leverage.

It is significant that America's principal allies at the Tokyo summit refused to agree to wage either economic or military counter-terrorist war. That makes the unilateral economic sanctions counterproductive. For the U.S. to continue as the lone military combattant would mean that Americans will bear the lions share of the economic and human casualties even as we fight the war on our allies' soil.

Israel, Egypt, Greece, Yugoslavia, and Turkey are critical strategic mediterranean countries vital to United States foreign policy. Collectively they receive tens of billions of U.S. military and economic assistance each year to keep them economically and militarily afloat. Tourism is the largest dollar income generator of the first four of the five, and U.S. travel expenditures in all five have plummeted. The hundreds of millions of U.S. travel dollars lost to these countries will be replaced by U.S. taxpayers in direct grants. Their sense of abandonment as travel communications lapse is in itself an enormous foreign policy and national security loss. Their national travel companies and the U.S. companies that specialize in their markets are exceptionally vulnerable and many are likely to disappear.

There is talk of a Marshall Plan of economic assistance for the area, if the United States can convince Europe and Japan to fund it. Placing the regions tourism economy solidly on its feet would be a major objective. Not waiting for unlikely miracles to happen, the Mediterranean countries are trying to form a regional tourism marketing body to pool their scant promotional resources to overcome the negative image their countries have due to the war between terrorists and counterterrorists. The U.S. could negotiate an expanded bilateral "regional" tourism agreement with these countries to expand on arrangements with Israel and Egypt.

Western Europe as a whole will lose billions of dollars in 1986 as millions of Americans avoid the continent. The countries closest to and most integrated with the Arab world are perceived as the most likely staging areas for new anti-US terrorist theater. Thus, U.S. tourism has decreased considerably more to Italy France, and Austria than it has to the U.K. and Scandinavia. All are hurting, but not nearly so much as the Mediterranean developing countries.

However U.S. travel expenditures to Europe comprise less than 2 percent of all travel expenditures in Europe. There as here, most tourism is done by families in cars. Thus, there has been a grave misperception on the part of those Americans who expect that reduced U.S. travel expenditures in Western Europe will force European governments to heel to the U.S. embargo of Libya.

The big losers are American travel companies. Tour operators have been hit especially hard as group pleasure travel is off more than individual pleasure travel, and discretionary pleasure travel is off more than non-discretionary business travel. Tour operators like all other components of the U.S. travel systems were already on insecure footing because of the wrenching adjustments within the travel industry because of rece federal deregulation, desubsidization, and privatization. The U.S. operators to Europe had benefitted by a substantial increase in their regional market which is now contracting even more rapidly than it had grown. European governments and their subsidized national carriers undoubtedly will attempt to fill the gaps in their U.S. trave distribution system with their own companies and this will hit U.S. tour operators like a double whammy in 1987 and thereafter.

Travel agents in the U.S. dependent on European travel are being hit as hard as the specialized tour operators. Undercapitalized and already caught up in an industry consolidation caused by deregulation, many retail agents will succumb under the new strains. Commissions on a typical $2,000 European package tour far exceed the commissions on a $47 dollar U.S. domestic supersaver airfare.

The most vulnerable U.S. travel companies are the U.S. international airlires that serve Europe and the Mediterranean. Once proud international flag carriers under the pre-1978 rules that encouraged interlining were already in crisis before terrorism cut the Mediterranean and European market out from under them. Already, industry pundits had predicted that less than a handful of airlines would survive consolidation; those lucky enough to have started the deregulation period of fare wars with large treasuries and strong domestic hubs.

The losses of the American transatlantic carriers in the first quarter of 1986 are staggering. If the U.S. government, which has been the instrument of much of their pain, lets terrorists give them the coup-de-gras, the nation will have lost an invaluable foreign policy resource. It is simply naive to expect that new American carriers will miraculously replace those that may go under in the over-capacity - foreign government-subsidized atlantic routes, especially in an era when the dollar has lost 20-30 percent of its value, thus further reducing the natural American customer base of the U.S. carriers and increasing the European customer base of the European carriers.

Similarly, the U.S. overseas international hotel chains are more vulnerable than their European competitors because they are more dependent on the U.S. travelers who are being deterred by fear of terrorism. Business travel, which is a mainstay for the hotels and the airlines, for the most part is bearing up and sustaining them. However, some leading American multinationals appear to be curtailing business trips.

Incentive travel and convention travel to Europe is in depression. U.S. multinationals are wary of showing the flag in Europe in conspicuous concentration. Recent incentive and convention travel shows in Europe and in New York failed from lack of U.S. interest in Europe as a destination.

Indeed, signs announcing the presence of American travel companies are coming off tour buses, hotel lobbies, and travel stores as the industry seeks to heed the advice it now gives its customers to remain anonymous. The disappearance of U.S. travel and other company logos cannot but have an impact on how the U.S. is perceived abroad. As the visible presence of peaceful U.S. power and prosperity fades, so too will the habitual deference built up over a century to American leadership. If American travel companies are afraid to fly the American flag, potential foreign customers to the USA will gain an even stronger predjudice towards their own companies.

Just as many American retail travel agents are erroneously advising clients for safety reasons to avoid American travel companies, European travel agents will be more disposed to favor theirs. The taint of terrorism will affect European travel to the United States.

U.S. legislatures are overreacting to terrorism in ways that harm the travel industry. The House of Representatives, for example, passed the Omnibus Counter-Terrorism Act of 1986 with an ammendment that would encourage the Secretary of State to issue travel advisories to discipline America's allies victimized by state supported terrorists who do not wish to cut off official communication with foreign governments. Travel advisories which are intended to inform Americans of real dangers to travel abroad, are the best way to counter terrorism as they provide citizens with reliable knowledge about real conditions abroad. The recent good advisory about the nuclear catastrophe in Chernoble by being precise, timely, and accurate limited panic due to fear and helped preserve travel flows. Travel advisories cannot remain reliable consular protective instruments if they are turned into economic weapons and political signalling devices to pressure allies into being tougher on terrorists. The ammendment jeopardises American lives as it will reduce the credibility of travel warnings.

State legislatures also are overreacting in economically harmful ways. For example, the New York State Attorney General has introduced legislation that would obligate travel companies to reimburse travelers in full for trips cancelled for fear of terrorism and other 'supervening' circumstances. Courts would determine after the fact which travelers' fears were justified, requiring New York travel companies to render themselves non-competitive by insuring at prohibitive cost against unpredictable and irrational waves of consumer hysteria.

Some U.S. travel companies are enjoying a short-run increase in demand this summer from U.S. travelers who decide to vacation at home. However, the recent U.S. air attack on Libya that was also a billion dollar bombing of the transatlantic travel industry, has not been a billion dollar boon to the American destination. Many who cancelled their European vacations have decided not to travel at all, and cities like Washington, D. C. that are easy terrorist targets are avoided by some Americans expecting that the possible to become the reality during the most extreme period of tension.

A confused, frightened, and angry public does not bode well for travel anywhere. There probably has been a transference of the terrorist security hysteria to the already widespread public concern that deregulation and cutbacks in federal air safety precautions are making U.S. domestic air travel less safe.

This analysis has attempted mainly to brush in tentatively some major short and long term economic effects of waging war on terrorism. It has not dwelled on the human rights problems that occur when governments use travel denial as a weapon to achieve foreign policy objectives. Travel bans except to keep citizens from war zones in national security crises declared by Congress surely are unconstitutional on freedom-of-access-to-information grounds. For the executive to rely on policy instruments that dramatically reduce travel flows even in the name of protecting travelers from terrorists has a grave human rights dimension.

Governments generally do not like to analyze the costs of economic embargoes and military ventures to their own civilian economy, or to relate known costs to the expected benefits of these harsh policies. This is one reason the U. S. still exhibits a propensity to embargo and treats the military strikes as an off-the-shelf policy option to combat terrorism. This hearing is perhaps a first step towards a deeper congressionally authorized analysis.

My principal objective in testifying today is to try and draw attention to the important economic and other foreign policy role of America's overseas travel infrastructure which literally supports America's travelling eyes and ears abroad. A sensible counter-terrorism policy must minimize distortions to America's vital foreign travel flows and maximize the safety of American travelers.

Thank you.

Mr. MICA. Thank you.

CAUTIONS GIVEN TO TRAVELERS

Let me start, if I may, with a few questions, but let me first point out that you have two Members of Congress here from Florida, and I just know in looking at the figures, we have some $19 billion in Florida in receipts from tourism and that is with an increase we could expect from problems out there. It will have a significant effect on our State or it would have a significant hurtful effect if we did not have the tourism going the other way. You have two Members of Congress here from Florida. Nineteen billion is about a third of all of the receipts, I think, for the entire United States, so we do have an interest.

Ms. Clark, I would like to start with you. What I am about to say could sound as though I have some malice for the State Department and I certainly do not, but your office issues travel advisories.

Ms. CLARK. Yes, that is correct, sir.

Mr. MICA. Let me just put this in the record for something that I expect to follow up on next week, but I want the record to reflect that we contacted the State Department, the French Desk, the Egyptian Desk and the Italian Desk. We indicated we had a man from Florida traveling to Europe, to France specifically, and what was their position. I would like the record to indicate we were told in France keep a low profile, avoid crowded gatherings, there was a greater than normal risk but no travel advisory to France or Western Europe. In Egypt we were told there has been no travel advisory. It is fine to go, essentially. Keep a low profile. In Italy, no travel advisory. The individual would not give their name when we asked for the name of the individual. There are no travel advisories anywhere, and I understand travel advisories are pretty severe action.

Members of Congress are getting inquiries from all over the United States from parents, grandparents, and so on. We are sending them to Europe, and the State Department says fine, keep a low profile. What does a low profile mean?

Mr. SMITH. Stay in your hotel room.

Ms. CLARK. I think perhaps you may draw some conclusions from some of the articles that appeared in the press and also from the newsreel or news clips on the television stations that one of the places that is very attractive if there is going to be a terrorist incident happens to be a crowded cafe or a crowded restaurant where a lot of Americans are congregated. I think if you will recall, this was the case in Rome.

I think the advice of a low profile is really a matter of common sense.

CONSULTATIONS WITH INTELLIGENCE COMMUNITY

Mr. **Mica**. Let me ask you this. Do you consult on a regular basis, daily, weekly, monthly, with the CIA or Defense intelligence as to the needs for a travel advisory?

Ms. **Clark**. We have confidential information coming in which comes in from all sources of our Government into the Department of State which we carefully review.

Mr. **Mica**. If we could take a hypothetical time frame, say pre-Libyan raid and post-Libyan raid, if intelligence sources told you that the risk today was 20 or 50 times higher than it was before the Libyan raid, would that cause you to issue a travel advisory?

Ms. **Clark**. No, it would not cause us to issue a travel advisory for the simple reason we cannot predict.

Mr. **Mica**. How about 100 times more than before the Libyan raid?

Ms. **Clark**. We assess each one on an individual basis depending on what country it happens to be coming in from, but it could be any place in the world conceivably.

Mr. **Mica**. You have no information that indicates that the risk is any greater at this time than any other time?

Ms. **Clark**. We have again—again, we assess all the information as it comes in, but it is not necessarily attributed only to one country.

ECONOMIC CONCERNS OF TRAVEL ADVISORIES

Mr. **Mica**. Well, are there any countries that you have any concerns about. What I am concerned about is if the travel advisory is, indeed, a major action. What bothers me is the potential for economic concern, which is tremendous for our U.S. carriers and our U.S. industry. We have some figures here that it is phenomenal, it is billions of dollars. Could this stand in the way of issuing the kinds of statements that would alert Americans not to travel if the need is there because of the economic concerns.

Ms. **Clark**. We, again, do not issue statements or travel advisories because of economic concerns or for political concerns. We are concerned overall with the protection of the American citizens overseas.

Mr. **Mica**. I noticed in your statement that you mentioned that a potential reason for assessing the need for a travel advisory was the shortage of hotel rooms. Did I understand that correctly?

Ms. **Clark**. That is one. We have something like 120, between 120 and 130 travel advisories out in the course of a year; and if you are going to a place like Nairobi and you are a traveler, it is helpful to the travel industry as well as the traveler who is going there to know there is a certain convention. For example, last year I think the United Nations had a women's conference in Nairobi and it was impossible to get a hotel. In fact, those that had bookings were sometimes thrown out of their hotels. This we consider a service to the public.

Mr. **Mica**. I do too. I agree and I guess that is the point. If you are willing to spend the time and energy to assess whether or not there is a problem with hotel rooms and the hypothetical example I just gave you, that if there is a given area or region of the world that intelligence people are saying is a hundred times the risk that they have ever measured and you say that would not require you to issue a travel advisory?

Ms. **Clark**. If we considered the risk was really very dangerous, yes, we would. For example, in some of the countries around the world we have certain regions where we advise the U.S. public not to travel. There is a travel advisory out on those areas.

TRAVEL TO EUROPEAN AND MIDDLE EASTERN COUNTRIES

Mr. **Mica**. Last week, I believe it was, Secretary Whitehead who was before our subcommittee indicated essentially it is all clear to travel to Europe and the Middle East. Is that still appropriate?

Ms. **Clark**. As far as I am aware, we have no travel advisory and no warning as of today for the European countries. There are certain countries in the Middle East that we certainly would not wish you to travel in such as Lebanon on which we do have an advisory out.

Mr. **Mica**. Any other countries?

Ms. **Clark**. Libya, Iran, Afghanistan, and there is one other, I think, Uganda.

Mr. **Mica**. None in Europe?

Ms. **Clark**. None in Europe, no, sir.

Mr. **Mica**. Let me stop right here. I did want to get this on the record, and I do not intend to pursue this in direct terms this week, but we will next week. One quick point.

Mrs. Tuttle, you also indicated, and you have a direct statement on page 14, "Americans should continue to travel abroad as well as within the United States." Do you consult with the intelligence community, the CIA, the State Department intelligence, Defense intelligence as you prepare these types of statements?

Ms. **Tuttle**. We work very closely with those agencies, but that statement was not based on any consultation that I had with those agencies. What we are trying to do is to get people to just travel. What we do not want them to do is have the perception that, indeed, travel is dangerous. We are afraid that this could really spread worldwide, that people would not travel perhaps even State to State within the United States. The worst scenario could be if something happened here, some people might say I am just not going to leave the house, I am not going to travel. We believe in travel. We believe it is safe to travel.

Again, I think people have to make up their own minds. The bottom line is I do not think anybody should tell anyone, you know, what to do. I think it is up to each individual to decide, but we want people to travel. That is why that statement was made.

INFORMING THE PUBLIC ABOUT TRAVEL SAFETY

Mr. **Mica**. I won't even ask for an answer now, but I will yield to my colleague. But first, the question I have is, Shouldn't we try to develop a procedure, a more direct procedure for informing the American public with regard to terrorism and specifically terrorism and travel plans? As you can see, I obviously have information and am concerned a great deal about travel. I am supportive of travel. I am from a travel and tourism State, but we have tremendous concerns between the message that will be broadcast from this committee room that there is an all clear on Europe and the Middle East, on the one hand, and the information the committee is being given by the intelligence community, on the other hand.

Let me stop myself right here and call on my colleague, Mr. Smith, and then I will come back for additional questions.

Mr. **Smith** of Florida. Thank you, Mr. Chairman.

CRITERIA FOR ISSUANCE OF TRAVEL ADVISORIES

Ms. Clark, can you give me the criteria by which you determine whether or not to issue a travel advisory?

Ms. **Clark**. Well, for example, we have a number of travel advisories that tell people that there has been a change in the laws regarding the amount of drugs that you can carry into a country, and we put out specific warnings to American travelers where the penalty has been increased for the time in jail or the amount of drugs that they are carrying is less or that there is just going to be a problem if you have even so much as a gram on you. We have a lot of young people that travel and who do not think anything about carrying marijuana, but it will get them into trouble in a lot of places. We certainly do not hesitate to put that out in a travel advisory.

We also have had incidents——

Mr. **Smith** of Florida. That is information. You will make a travel advisory if they change their laws on illicit drug traffic. I want the criteria you use in determining whether or not to issue a travel advisory.

Ms. **Clark**. Well, that is one of the criteria. We are trying to be of service to the American public. Now, a travel advisory at the moment, I think, conjures up more about terrorism, but we have been issuing since 1978 various travel advisories describing what might be considered sort of mundane situations. Last summer we had no hesitation, for example, in issuing a travel advisory on the subject of Athens Airport based on the information which came in from various agencies and the embassy in Athens, based on what the situation was there and the Yalta report and so forth, and based on that a travel advisory was issued about the security of the airport.

Mr. **Mica**. Would the gentleman yield on that point.

Mr. **Smith** of Florida. Yes.

SITUATION IN GREECE LAST YEAR

Mr. **Mica**. That comes back to the point I was talking about. Some of the very staff that are sitting here traveled to Athens in

February of last year. We issued reports to the State Department and we had been following the situation in Athens for something like 6 or 8 months prior to that attack, saying there were some major problems and we ought to do something. We even mentioned the possibility of a travel advisory. Now, we do not take that lightly. We did not go public. We were not trying to create any unnecessary concern, but we were asking that something be done. Only after the attack and death did we have some action.

Now, I say this in all fairness to the Greek officials. After tourism declined rapidly because of the Athens incident we had tremendous cooperation, but it was all after the fact. I guess that is part of what is bothering me. We issued the reports. We thought something should be done. Nothing was done until the attack took place.

That is what concerns me right now with the kind of information we are getting from one source and the kind we are getting from another. I apologize for taking your time.

Mr. Smith of Florida. That is quite all right, Mr. Chairman.

HYPOTHETICAL TERRORIST ATTACK

Let me ask you, hypothetically, suppose a country had an attack, a significant, severe attack in which people were killed in their airport. There was an attack in a crowded cafe in one of the main areas of the main city of that country in which Americans were wounded. There was an attack on the Embassy which was nipped just before it was about to take place. There were numerous other attacks. There are absolutely proven allegations of terrorist activity within the country. It is known that Arab terrorists transit the country fairly easily, but it does not have stronger laws against narcotics, which might endanger some American youngsters who decide to carry some marijuana on their person. Do you think that country would be a candidate for a travel advisory?

Ms. Clark. Yes, if all those factors were there.

Mr. Smith of Florida. Have you issued one on Italy?

Ms. Clark. No, we have not.

Mr. Smith of Florida. Why not? Everything I just told you happened within Italy within the last year.

Ms. Clark. Well, the assessment is that it is not a problem as yet.

Mr. Smith of Florida. It isn't a problem?

Mr. Clark. No.

Mr. Smith of Florida. Suppose they were to pass a law making narcotics trafficking even more of a crime than it is. Would you then issue the travel advisory for something that might be the choice of a person, to break the law? Would that be the basis of now issuing a travel advisory rather than the danger that it poses to Americans by virtue of terrorism?

Ms. Clark. Again, on the subject of the danger, if I may differentiate between the two forms—what are now becoming two forms of travel advisories—I think one really has to assess the facts as they exist and whether or not you think that it is going to continue having a series of attacks or not. The narcotics thing is a side thing such as the shortage of hotel rooms. That is a general service. But as Mr. Hansen-Sturm pointed out in his testimony, it has a considerable impact on any country when we issue a travel advisory.

Mr. **Smith** of Florida. This committee knows that and it seems to some of the members, in any event, and I am one of them, that you are considering the impact on that country more than you are considering the possibility of danger to those people from this country, our citizens, who might travel to that country.

I do not like getting that impression, but every time I hear testimony from your Department, it leads me inexorably to that conclusion. Everything that I just described to you hypothetically, actually happened in Italy and yet you defend—defend—your decision to actively promote tourism to Italy or any other country by saying it is in our estimation safe to travel to Europe.

Is it? Ask the families of those people who got killed innocently at the airport or the families of the people that were injured or the people themselves in the Cafe de Paris, where I happen to have been a customer 6 hours before that grenade was thrown in the door or the people that were hurt when there was an attack in Naples or the people on the ship that was hijacked, the *Achille Lauro*, which came out of Italy.

I cannot in all good conscience sit by and agree with the Department's analysis of what is going on, and I think that unfortunately politics is creeping into your decisions and I, for one, am very, very upset about what I see to be the basis on which these decisions are being made. People are getting killed out there. They are actively going after Americans. The lady who was interviewed by the networks as if she was some kind of princess hero. When her name came up as having been the passenger in the seat of the TWA plane on its leg from Cairo to Rome bragged about the fact that while she did not commit this crime, which I do not believe, she had no problem in otherwise doing terrorist activities against the U.S. installations. She did not name them.

DEGREE OF SAFETY IN EUROPEAN COUNTRIES

Now, I do not understand on what basis you then say it is OK; go to Europe, just exercise caution. What kind of caution? Stay away from crowds? What about the American woman who was a jogger going past a building that happened to have been the object of a terrorist attack in Spain and was blown up because she was in the wrong place at the wrong time? The people in the airports in Vienna and Rome who happened to be at the wrong place, what kind of caution could they have exercised? Should they have sent surrogates to buy their tickets? Should they wear nothing that identifies them as Americans? Should they carry a passport from Nigeria? Tell me what kind of caution you are talking about that will prevent those kinds of things from happening to them which have happened in great numbers over the past year. I do not understand the Department's position at all.

And I can tell you this. In my district I have received numerous phone calls from school board people, parents, other groups that were going to send their children to Europe and from campers to a high school in Israel and other European trips, and I advised them not to. I may never get their children's votes, because they are probably very upset, but I could not in good conscience tell them to go some place where we cannot guarantee their safety. We cannot even guarantee the safety of our own Embassy personnel, and they are protected more than the people that are our citizens that are going there who are really naked in the streets. Most of those trips have been canceled.

Do you have any idea what the liability would be in a lawsuit where a school board endorsed a trip through the school board to Europe right now and some of those kids may be injured or killed in a terrorist act? The standard of a reasonably prudent person would come into play in a lawsuit, and I can tell you I can find any 12 people to make up a jury who would hang the school board because any reasonably prudent person—they would believe as the jury—should not have sponsored that trip to a country like Italy or Greece given what they know today. I am not talking about next year. We are not talking about any other time. We are talking about now. I would not want that trip to go if I was a member of the school board, and I do not think only for the safety of the children but for the exposure we would have as members of the school board.

But the State Department is out there actively promoting people to go to Europe. I think you are making a severe error and that the Department of Commerce is doing the same thing; the Division of Tourism is making a gigantic error. I believe you have every obligation to tell Americans that they are at risk more in Europe than they are in the United States or in Canada and they ought to exercise caution in making the decision, not exercise caution when they get to Europe because we do not have any control. You know it.

And I am very disappointed, very disappointed, indeed, and the first time I heard it from Secretary Whitehead I was really flabbergasted—flabbergasted. What would it take for you to say to Americans, don't go? Given the number of groups that have now popped up, the number of groups that claim—do you know six different groups at one time or another claimed responsibility for the bombing of the discotheque in Berlin? Nine different groups at one time or another claimed the responsibility for the TWA hijacking last year. They or most of them do exist. There were in the span of 7 days about 20 aborted or accomplished terrorist attacks in Paris, including 1 in an electronics store in Les Haves where there were no Americans but apparently private citizens, tourists from other countries in a place where one would never expect a bomb to go off.

What does it take for you? In Paris they found seven bombs attached to the Eiffel Tower. If any one of them had gone off, Americans would have been killed. There are always Americans around the Eiffel Tower. And you say, go ahead, travel, just exercise caution. I cannot understand that at all. Perhaps you should at least change the categories. Perhaps you should have a travel caution before you have a travel advisory. If the countries with whom you are apparently attempting to deal a little too gingerly, I think, are offended by the category travel advisory, maybe there ought to be a travel caution. Maybe there ought to be something the State Department can say that would at least have the effect of making Americans think about it before they go.

Tell the truth, Ms. Clark, Ms. Tuttle, Mr. Hansen-Sturm, Mr. Berens. Are you completely at ease going on an American flag carrier to any one of those airports? Tell me, would you rather go to St. Louis or go to Athens? Honestly?

Mr. **Hansen-Sturm**. You ask a question, sir. I would like to respond. I think from the outset you are factually wrong about it being unsafe for Americans to travel in Europe and that the statistics will bear me out on that.

AMERICAN FATALITIES DUE TO TERRORIST ATTACKS

Mr. **Smith** of Florida. How many Americans have been killed in American airports?

Mr. Hansen-Sturm, you are saying I am factually incorrect. How many Americans have been killed in an American airport in the year 1985 or 1986? Answer that question.

Mr. **Hansen-Sturm**. I cannot answer that question, sir.

Mr. **Smith** of Florida. From a terrorist attack.

Mr. **Hansen-Sturm**. When you travel, you are interested in the total number of things that can go wrong that can hurt you, can kill you.

Mr. **Smith** of Florida. No, Mr. Hansen-Sturm. I am interested in terrorism. We are talking about terrorism. This committee is interested in terrorism. Unfortunately, we would like to talk about the failure of other things, but we are talking about terrorism and I am not factually incorrect. Not one American has been killed inside the United States in a terrorist attack in this country, but that is not true of Europe.

Mr. **Hansen-Sturm**. May I respond, sir?

Mr. **Smith** of Florida. You made an allegation. I am telling you factually I am not incorrect.

Mr. **Hansen-Sturm**. Twelve Americans, I believe, American tourists were killed in Europe in 1985 by terrorist attacks. I think it is six that were killed this year. That makes 18 Americans. It is a horrible thing. But it is a very low number of people who have been killed relative to the number of people who are traveling. You have in that period over 8 million Americans who traveled to Europe. That is such an incredibly low incidence of terrorist harm. I mean it really is. Now, we have to, obviously, protect Americans who are abroad and that is what counterterrorism policy is all about; but the one thing you do not do is tell Americans not to go to Europe, to stay in fortress America and keep their heads in the sand.

I myself would prefer to go to St. Louis than Athens. I just happen to like St. Louis, but other people would get more out of going to Athens. It is up to the individual to choose.

Mr. **Smith** of Florida. I mean from the perspective of safety, not from the perspective of a vacation, and I am talking about the airports and the trip and the possibilities of being the subject of a terrorist attack.

Mr. **Hansen-Sturm**. One of the questions you asked us was to respond as to whether we would go on an American plane and feel safe on an American plane to Europe. Yes, I would. We are sending people on American airlines to Europe. My company happens to be a tour operator of Pan American, for example, and we are very happy with their improving their services to Europe at this time.

Mr. SMITH of Florida. Thank you, Mr. Chairman.

Mr. MICA. You know, we got a little off, both of us, in the thrust of this week's hearing. We will be getting more into travel advisories and approaches of the State Department next week.

ALTERNATIVES TO TRAVEL ADVISORIES

Let me ask, Ms. Clark, given the severity of travel advisories, that issuance of other interim type reports would be appropriate with regard to specific countries and areas of the world. Right now, as I understand it, the law says it is all or none. Can you envision when you think some other approaches would be helpful?

Ms. CLARK. We can certainly look at that, Mr. Chairman, yes.

Mr. MICA. Have you been doing anything like that?

Ms. CLARK. We have devoted quite a bit of thought to the matter, yes.

Mr. MICA. Do you coordinate with other agencies? I mentioned earlier the CIA, the State Department, Defense intelligence. Do you coordinate with other agenices with regard to this?

Ms. CLARK. Yes, indeed, we do, and I think the Chernobyl episode is a classic example. The Environmental Protection Agency chaired an interagency Government task force and other agencies have participated, Health and Human Services, and lots of time we have the Defense Department and their intelligence agents and so forth, depending on the circumstance of whatever the catastrophe may be. Yes, we do. We cooperate very closely and we exchange information.

EUROPEAN TRAVEL TO THE UNITED STATES

Mr. MICA. We hope to get into that in some detail in the next week or two. Let me ask you this with regard to the problems. As we indicated and you indicated earlier, tourism and the money associated with tourism is a monumental figure. I do believe that terrorists have, in effect, imposed sanctions on Europe. But the number of European travelers traveling to the United States, is that offsetting, and by what amount or what percentage would you estimate, the losses that we are experiencing in the tourist industry going to Europe?

In other words, are there enough tourists coming from Europe? Would we expect massive increases that would offset losses of sending our own Americans there?

Ms. TUTTLE. We have had a large travel deficit in the travel account for the last 3 years. In fact, it was as high as $6.5 billion last year due to the large number of Americans traveling abroad. We were predicting an increase this year overall worldwide of 4 percent, that is, an increase of international visitors coming in with or without terrorism. That projection was based on lower fuel prices, competitive air prices and the favorable dollar exchange rate. Indeed, I have the January figures which bear that out, that terrorism has certainly not affected the inbound travel. So the travel deficit, with the change in the dollar and the fact of increased inbound travel, may be almost down to nothing and it certainly will be down a great deal.

Mr. **Mica**. So you are predicting a 4 percent increase in travel to the United States.

Ms. **Tuttle**. That is right.

Mr. **Mica**. Are you still sticking with that figure?

Ms. **Tuttle**. We are and we think it may be conservative. The projection is a low 4 percent because Canada and Mexico will be down this year. But, we are anticipating increases of about 8 or 9 percent from Europe and about 10 percent from the Pacific Basin. Otherwise, it would have been higher.

IMPACT ON U.S. TOURISM INDUSTRY

Mr. **Mica**. Will our travel and tourism industry in effect benefit from that offset?

Ms. **Tuttle**. Certain components will benefit. Actually, I think destinations will benefit the most: States and cities, parks, theme parks, that kind of thing. I think when you get into hotels and airlines, especially airlines and travel agents, we will have to wait and see. I do not think that inbound tourism is going to reverse their monetary loss.

Mr. **Mica**. Do any of you know, maybe Mr. Berens and Mr. Hansen-Sturm—if the travel bookings for domestic cities had a phenomenal rise in March and April. The May figures are not in. Do you have, any of you, any indication as to what that is and whether that is enough to offset losses that you are getting because of European travel? Let me ask each of you to respond.

Mr. **Berens**. I do not know that we have the relevant figure. I think we have some gut feelings in terms of what has happened as far as the consumer is concerned. There has been no question in our office that the domestic business has increased. Ms. Tuttle is quite right that most of the components domestically are probably going to benefit by that. Certain destinations, Hawaii and Alaska, have become very popular alternatives to Europe and some of the people who had been going to Europe have rebooked to those destinations. Consequently, those flights and hotels and other components of this industry have picked up considerable business they might otherwise not have had. I do not know what the percentage would be on that, sir.

Mr. **Mica**. Without asking you to speak for the whole industry, look at your own business. Are you going to say what we lost in European travel we will make up in domestic travel or travel to other countries that do not pose a terrorist threat? Are you projecting that it is going to be so difficult that you will end up with some net losses at the end of the year?

Mr. **Berens**. A typical travel agent is selling worldwide and, therefore, if, indeed, he is a typical travel agent with worldwide destinations, since the world is our workshop, we will probably find we will suffer somewhat in a negative sense but not quite in the sense we would otherwise have. We have some unique aspects in the United States that are affecting the travel agent community per se. Fuel prices are down. People are reverting to the automobile as an alternative, that they might otherwise in the previous time have considered flying somewhere.

Mr. **Mica**. Do you book from European communities to the United States?

Mr. **Berens**. We do not, but I am sure that First Family does. He can probably answer that better than I.

Mr. **Mica**. What kind of increases are you seeing in that?

Mr. **Hansen-Sturm**. We are seeing important increases in domestic and European travel to the United States this year, but they do not offset the losses to tour operators from the people who are not going to Europe this year. My company happens to be strong in Hawaii and Canada and California, and we are doing very well in those areas. We own companies that are doing business in Europe, some of their business is off over 75 percent, which would be a disastrous thing for them to deal with if they were independent, which most tour operators are. Most tour operators are centered around a particular market: the Greek tour operators for Greece, Italian for Italy and the like, and they are all in very severe straits right now. So there is not an offset, at least in my sector of the industry.

Mr. **Mica**. So you do not think it will be balanced out; you think there won't be an offset? Tell me again, either I don't recall or you did not say.

Ms. **Tuttle**. It depends on the component of the industry. The destinations will fare very well this year. Airlines will not do as well. I think you have to look at the different components.

Mr. **Mica**. Hotels, restaurants.

Ms. **Tuttle**. With respect to travel agents, I agree with Mr. Hansen-Sturm. I do not think they will really do as well as they could have.

Mr. **Mica**. Is there anything that we can do to try to assist, that you recommend? You heard us discuss travel advisories, and I know that they are sensitive with the tourism and travel industry. I think you should understand the sensitivity Members of Congress have. We had a Member who left just a few moments ago. One of his constituents was Mr. Klinghoffer, and this committee was very, very dearly sensitized to the advice one gives to constituents about going ahead with traveling.

ADVICE TO TRAVELERS

So we are concerned and it is a very difficult situation, but we are looking for a legitimate handle to say, hey, maybe we can narrow in here or there and say don't travel or be careful here but at the same time don't close the door worldwide. Can you recommend anything that we can do?

Mr. **Berens**. Mr. Chairman, if I could react to that. One of the problems that we have as a retail travel agent in counseling our clientele in our office when they asked exactly the same question Mr. Smith is asking, "Is it safe to go to a particular destination?" is that it is very difficult at this point, if not impossible, to come up with accurate information and data as to what the status of a particular destination might be relative to safety.

Part of the difficulty that we have is that there is no significant data base at this point where one can go and find out exactly where we stand with respect to safety. The communications have not been established properly so we know where to go, even if the data were sufficiently correlated. One of the things that we have come upon as far as the Travelers Security Policy Council is concerned is that there are several elements of the government that are involved each with their own particular very narrow vested interest in finding out as whether or not a given area is safe. The military look at one point of view for relative safety: uniformed members of the armed services. FAA may be looking only at the airports of the various foreign destinations relative to safety. So each Government agency looks at a particular facet, but we have yet to have those things adequately put together as a whole; and, indeed, that is somewhat what we are trying to do in our Travelers Security Policy Council.

The obvious problem we have is twofold: One is the Herculean task at the moment to try to get all of those figures together; and, second, it is a funding problem, that funds are quite frankly limited and we are having to go voluntarily to our components to try to get it together.

TOURISM POLICY COUNCIL

Mr. **Mica**. Is there a Government travel equivalent to State and Defense and Interior where everybody comes together to coordinate, such as an interagency task force on travel?

Ms. **Tuttle**. There is. We had a meeting this morning of the Tourism Policy Council where the different agencies, members of those agencies, sit on our council and bring up issues that relate to travel and tourism. Today the issue of terrorism was discussed. We had the FAA, we had DOT, we had Ambassador Borg from counterterrorism from the State Department, we had Richie Cosolex from the European Travel Commission, from State Assistant Secretary Clark and others. We also invited industry in to have a chance for discourse back and forth about the impact of terrorism on tourism.

Mr. **Mica**. How often do you meet?

Ms. **Tuttle**. Four times a year.

Mr. **Mica**. Would it be helpful to meet more regularly in times of concern?

Ms. **Tuttle**. We can call a meeting at any time, and that could be readily done. In addition to what I do on that Board, I also meet with a private sector board which is called the Travelers Security Policy Council and the idea is that the feedback goes from industry to Government and the data we collect from Government goes back to industry.

Mr. **Mica**. Unfortunately, the House has a vote pending right now. We have about 5 or 6 minutes. I would like to ask Mr. Smith if he would like to make a 30-second closing statement? I do not think we will be able to continue. We would like to maybe submit some questions in writing and leave the record open until your responses return.

Let me again just say this: One of the major dilemmas that I, as chairman of this subcommittee, am facing—and I think more and more each Member of Congress is facing—we are getting differing reports with regard to what the real situation is and what is being said to the American public and that bothers me dearly.

Mr. Smith of Florida. Mr. Chairman, I do not have any statement. It seems to me Mr. Berens put his finger on it very nicely. I do not think our way of doing business has changed very much. Unless there is a civil war in the country, we are still not ready to issue a travel advisory, and I think that we need to be more sensitive to the kind of warfare that is going on in today's world. If one person dies, Mr. Hansen-Sturm, to me that is a problem and then to die in an indiscriminate attack that is repeated various times throughout the country, even if it is not Americans, that to me is today's equivalent of what used to be a radical spread of a civil war in a country.

And I think our Government has to change its policy with reference to the criteria that it uses to determine if a place is unsafe for travel, and we still do not have the coordinated policy to get all the information—you are absolutely correct—and we need to change in that regard as well.

Thank you, Mr. Chairman.

Mr. Mica. The subcommittees stand adjourned. Thank you very much.

[Whereupon, at 3:50 p.m., the subcommittees adjourned.]

APPENDIX 1

DEPARTMENT OF STATE REPORT TO THE CONGRESS ON THE ANTI-TERRORISM ASSISTANCE PROGRAM, FEBRUARY 19, 1986 (SUBMITTED PURSUANT TO SEC. 574(b), FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED)

REPORT TO THE CONGRESS

THE ANTI-TERRORISM ASSISTANCE PROGRAM

1985

Highlights of the Year

-- In the short time since its formation in 1984 the Anti-Terrorism Assistance Program has become one of the most effective U.S. tools in strengthening the anti-terrorism dialogue with other states and providing technical assistance in this field through training.

-- Seventeen new countries participated in the introductory seminars in the U.S. under the ATA program in 1985, bringing the total to 32 countries which have joined the program.

-- A total of 1585 officials have now participated in over 100 separate anti-terrorism training courses in the 18 months since the first course began.

-- The anti-terrorism training courses to date have been offered by seven different federal government agencies, six state and local police agencies, four professional organizations, and four universities and private firms. Additional state and local police participation is planned.

-- The U.S. procured $700,000 in training-related equipment ($375,000 was through reprogramming) for participating countries during FY 1985, most of which was for civil aviation security.

-- The ATA Program made effective use of the entire $5 million appropriation for FY 1985. The request for $5 million for 1986 was increased by the Congress to $7.42 in its continuing resolution.

-- Authority for the operational management of the program was transferred to the Bureau of Diplomatic Security in January 1986. The Ambassador-at-Large retains responsibility for policy guidance.

-- The 1985 legislation designated the Secretary of State as the agent responsible for the coordination of all U.S. anti-terrorism assistance to foreign governments. An inter-agency training committee of the Inter-Department Group on Terrorism was established to facilitate this coordination.

The Philiosophy of the Program

The Anti-Terrorism Assistance (ATA) Program was established to strengthen the capability and determination of like-minded governments to combat terrorism, both alone and in cooperation with the United States and other governments. The ATA program has concentrated both on establishing a dialogue with senior officials in selected countries on the importance of closer cooperation and upon training key personnel from appropriate civilian agencies from those countries. The training process has not focused solely on improving technical skills and expertise but has placed equal emphasis upon familiarizing foreign officials with the modern, humane techniques used by U.S. and local law enforcement agencies in dealing with sensitive and dangerous problem areas such as hostage rescue and VIP protection.

Benefits of the Program for the U.S.

In the brief time that ATA has been in existence, it has become a valuable and effective tool in improving international cooperation to combat terrorism, as well as in enhancing the skills of foreign law enforcement and security personnel responsible for protecting American facilities and personnel. In this context, it differs markedly from the old Office of Public Safety of AID whose task was limited to upgrading law enforcement capabilities in friendly countries.

ATA programs provide training and technical assistance which not only strengthens local skills to deal more effectively with the terrorism threat, but enables the recipient country's participants to provide better protection for Americans locally. ATA programs have provided access to officials of other governments who are directly responsible for combatting terrorism (and protecting those threatened by terrorism) and have improved working relationships between Embassy officers, (particularly the Regional Security Officer) and their foreign counterparts who provide the first line of defense for our diplomatic and other facilities overseas.

ATA is unabashedly a policy tool. Much as we desire other countries to upgrade their anti-terrorism security capabilities, it is equally if not more important that we obtain a political committment from and an effective relationship with foreign governments at the policy level to cooperate with us in combatting international terrorism. Without that cooperation, our efforts will continue to be frustrated. Since over 95% of international terrorist attacks against American interests take place abroad, the full and active cooperation of foreign governments is essential.

ATA has quickly become a highly effective policy arm. The key to its success has been access to high-level officials of other governments directly responsible for combatting terrorism -- usually Ministers and Deputy Ministers of Interior, chiefs of national police and heads of domestic and foreign intelligence agencies -- and use of this access to establish systematic cooperation. The ATA program is used to 1) stimulate interest in general anti-terrorism cooperation, 2) stimulate support for U.S. concerns in particular situations, 3) respond to inquiries from other states for closer cooperation, and 4) strengthen the policy dialogue with other states. By offering key foreign officicals and agencies a direct, overt policy-level link with the USG, including an exchange of views on policy and an exchange of intelligence on terrorist groups and threats, plus assistance in responding to the threat, we have achieved much closer cooperation in combatting terrorism from several important countries over the past year.

Program Structure

The three phase approach developed in 1984, the first full year of the ATA program, was continued and refined in 1985:

> The Phase I executive-level seminar normally brings 8-15 senior officials from separate agencies of the participating government to the U.S. for a two-week program of meetings in Washington and visits to counter-terrorism training facilities of U.S. federal state and local agencies. The objectives of the seminar are to:

--strengthen the policy dialogue and enhance common understanding in combatting terrorism;
--underscore the importance of cooperation;
--exchange ideas on organization and capabilities;
--provide an introduction to the kinds of training and exchange which can be considered for further programs.

Phase II involves the return visit of a small U.S. delegation to work with host government officials in identifying a program of follow-on training programs and professional exchanges. The delegation is headed by a State Department officer who is usually accompanied by 3-5 representatives of other federal or local government agencies cooperating in the ATA program

Phase III is the actual training and professional exchange phase. The training courses, which normally take place in the U.S., are conducted by a variety of federal, state, local and professional organizations using training similar to that offered their own security personnel. Specific training courses are prepared and conducted to meet the particular needs of each participating country.

Participating Countries and Agencies During 1985

Congress authorized establishment of the ATA program under the management of the Department of State on November 13, 1983. Implementation began with a notification to 38 selected U.S. Embassies on December 31, 1983. The selection criteria included those specified in the legislation establishing the program and required clearance by the Department of State's Bureau of Human Rights and Humanitarian Affairs. Additional potential participating countries have been added subsequently, reaching a total of 71 by December 31, 1985. In every case, there was prior Congressional notification.

Since April 16, 1984, when the first participating group arrived in the US from Costa Rica, representative delegations with a total of 262 individuals representing 32 countries have attended the Phase I seminar. The following new countries participated in Phase I during 1985:

Bahrain *
Brunei
Cameroon
Colombia
Denmark
Greece
Honduras
Israel
Kuwait *
Netherlands
Oman *
Pakistan
Qatar *
Saudi Arabia *
Tunisia
United Arab Emirates *
United Kingdom

* Participated as members of Gulf Cooperative Council

Phase II visits and program discussions took place during 1985 with the governments of Ecuador, Grenada, Turkey, Portugal, Tunisia and Greece. Representatives of the Federal Aviation Administration's Transportation Safety Institute, the Bureau of Alcohol, Tobacco and Firearms, the police departments of Washington, D.C., Prince George's County, Maryland, Los Angeles and San Diego, California, the Federal Law Enforcement Training Center, the U.S. Customs Service, the National Sheriffs Association, and the State Department's Office of Security, among others, have participated in Phase II team visits under the authority of the State Department.

Phase III training is based upon agreements and understandings reached by the Phase II team, the Embassy an the participating foreign government. During 1985, we sought to focus on those countries where there appeared to be a significant threat to United States interests or a need to encourage greater cooperation in the face of a comm danger. We also increased the emphasis on aviation and airport security. The catalog of offerings expanded as established contact with a constantly growing number of agencies and organizations in the United States willing participate in the ATA program and well qualified to do s Course offerings now include a broad range of subjects, including senior and on-site crisis management, hostage negotiation, hostage rescue, VIP protection, airport security, airport police management and administration, hijack crisis management for pilots and controllers, building and courtroom security, witness protection, terrorism analysis, bomb identification and render safe procedures, bomb dog handler training, post blast investigation, document examination, ports and harbor security, and pipeline security. In working with the participating agencies and organizations, constant stress is placed on tailoring course content to meet the specific needs of each individual country. In addition, we constantly emphasize the human rights aspects of police work by requesting the training organizations to demonstrate and discuss the importance we place on individual human rights.

As of December 31, 1985 a total of 101 Phase III courses had been conducted for a total of 1585 students. Participating countries in Phase III programs during 1985 included Costa Rica, Colombia, Egypt, Ecuador, Honduras, Portugal, Turkey, Jamaica and several smaller Caribbean states including Grenada.. Among the most popular courses during the year were Civil Aviation Security, VIP Protection, Crisis Management and Hostage Negotiation and Rescue. New courses introduced included Post Blast Investigation, Building Security and Pipeline Security. Among the federal, state and local agencies which provided their facilities for these courses were the Transportation Safety Institute, the Bureau of Alcohol, Tobacco and Firearms, the Federal Emergency Management Agency, the San Diego Sheriff's Department, and the Washington, D.C. Police Department. Although most of the training courses occurred in the U.S., the figures also include several one to three day training seminars for larger numbers of participants conducted overseas by the FAA and U S Customs Service.

$325,000 was originally budgeted for training-related equipment assistance in FY 1985. With Congressional approval, an additional $375,000 in uncommitted training funds was reprogrammed for a total of $700,000. Major emphasis was on procurement of civil aviation-related security equipment (walk-through and hand-held metal detectors and cargo and carry-on baggage x-ray devices), for Egypt, Tunisia, Costa Rica, Honduras and the Eastern Caribbean states. Additional equipment has been purchased for shipment pending completion of scheduled training. Bomb disposal equipment was procured for Colombia and an initial purchase of protective vests (body armor) was scheduled for Costa Rica and Grenada.

Modifications in the ATA Program during 1985

Congress approved several significant modifications in the ATA legislation in 1985 which will contribute to improved implementation of the program. Of particular interest were the following changes:

> --repeal of the sunset provision in the original legislation which would have terminated the ATA program September 30, 1985;

--authorization to provide certain training-related items on the Munitions List established pursuant to the Arms Export Control Act, if they are small arms in Category I, small arms ammunition in Category II or protective personnel equipment in Category X, and if they are directly related to anti-terrorism training.

--designation of the Secretary of State as the agent responsible for the coordination of all anti-terrorism assistance to foreign countries provided by the U.S. Government.

Also in 1985, the Department of State reviewed a number of recommendations for internal realignment of functional responsibilities in the area of counter-terrorism. Effective as of the first of January 1986, the Department transferred to the newly established Bureau of Diplomatic Security the responsibility for the operational management of ATA programs, including approval of candidates selected overseas, selection of training facilities in the U.S., procurement of equipment and supplies, and subsequent assessment of the utilization of personnel and equipment. The Ambassador-at-Large for Counter-Terrorism has inherited from its predecessor office the responsibility for the policy aspects of ATA. This includes policy coordination, planning, establishment of participant and program priorities, and initial negotiations with other governments. Close coordination has been established and will be maintained between the Ambassador-at-Large and the Bureau of Diplomatic Security for their separate responsibilities. In the field, the Regional Security Officer is recommended for the role of ATA coordinator, under the direction of the Ambassador. Direct contacts with other participating agencies at both the policy and operational levels will also continue. The role of those agencies has been a major consideration in the design, and success, of ATA programs and in coordination of all USG programs in countries where there is participation in ATA.

The Program for 1986

Our original request for $5 million for FY 1986 was increased by the Congress to $7.42 million in its continuing resolution. As of the date of this report, $7.42 million is available, pending resolution of possible action under the

Gramm-Rudman-Hollings balanced budget legislation. The present appropriation will enable us to conduct some 84 training courses for approximately 1200 foreign officials. In addition, we have requests to conduct additional courses this fiscal year for approximately 600 students, with appropriate amounts of training-related equipment, for which we have requested an additional $4.84 million in the FY 86 (Inman) supplemental. We are confident that all available funds will be effectively utilized again this year.

Among the priority objectives for the coming year will be:

- a continuing effort to encourage the most appropriate countries to participate in the program, applying criteria set forth in the authorizing legislation

-a continuing emphasis on civil aviation and airport security

-an expanded program of evaluation and assessment of on-going training activities and subsequent utilization of personnel and equipment

-a continuing effort to identify individual country needs and to tailor course content to meet those specific needs

-increased emphasis on the coordination of anti-terrorism training with other U.S. Government agencies.

One already identified difficulty in effectively implementing the ATA program for FY 1986 involves the legislative restriction on the amount of training-related equipment assistance which can be provided. A limit of $325,000 for all such assistance was retained for FY 86 despite the experience of FY 85 when some $375,000 of unused training funds was reprogrammed, with the approval of the Congress, for procurement of equipment out of a total $5 million available for the year.

For FY 86 there has been a significant increase in the program's overall budget. Restrictions on provision of some Munitions List items were removed by Congress in 1985, and an increased emphasis on civil aviation and airport security calls for training with increasingly sophisticated and expensive equipment such as x-ray and metal detection devices. Many of the governments participating in the program simply do not have funds available in their limited budgets for this sort of equipment, without which the training will be of only limited value.

ATA is, and must continue to be, first and foremost a training program. However, we see an urgent need for agreement with appropriate committees of the Congress on a substantial increase in the amount available, within the overall program budget, for training-related equipment assistance. The existing $325,000 limitation might well be applied to newly approved Munitions List items of a lethal nature, and a new upper limit established to cover non-lethal equipment such as airport x-ray machines. These combined figures, for example, could be set at not more than 25% of the enhanced ATA program budget. This would permit us to support our training efforts at an adequate level. We will be consulting closely with the appropriate committees to work out an agreement on this issue.

A complete list of countries to which we have offered participation in the ATA program is attached. A classified annex provides further details, including, as required by legislation, a summary report of anti-terrorist training provided outside the ATA program by other U.S. Goverment agencies.

LIST OF POTENTIAL PARTICIPATING COUNTRIES FOR THE ANTI-TERRORISM ASSISTANCE PROGRAM

Antigua and Barbuda
Argentina
Bahamas
Bahrain
Barbados
Belgium
Bolivia
Botswana
Brazil
Brunei
Burma
Cameroon
Canada
Colombia
Costa Rica
Cyprus
Denmark
Dominica
Dominican Republic
Ecuador
Egypt
El Salvador
Fed. Republic of Germany
France
Greece
Grenada
Honduras
India
Indonesia
Israel
Italy
Ivory Coast
Jamaica
Japan
Jordan
Kenya
Kuwait
Lebanon
Liberia
Luxembourg
Malaysia
Malta
Morocco
Netherlands
Nigeria
Norway
Oman
Pakistan
Panama
Papua New Guinea
Peru
Portugal
Qatar
St. Kitts and Nevis
St. Lucia
St. Vincent
Saudi Arabia
Singapore
Somalia
Spain
Sudan
Sweden
Tanzania
Thailand
Trinidad and Tobago
Tunisia
Turkey
United Arab Emirates
United Kingdom
Venezuela
Zambia
Zimbabwe

APPENDIX 2

INTERNATIONAL MARITIME
ORGANIZATION

MSC 52/WP.1
31 January 1986
Original: ENGLISH

MARITIME SAFETY COMMITTEE -
52nd session
Agenda item 2

IMO

DECISIONS OF IMO BODIES

Measures to prevent unlawful acts against passengers and crews on board ships

Report of the Working Group

1 As instructed by the Maritime Safety Committee, the Working Group on Safeguarding Ships, Passengers and Crews Against Unlawful Acts met from 27 to 31 January 1986. Mr. I.A. Manum (Norway) and Mr. J. Hornsby (Canada) were unanimously elected as Chairman and Vice-Chairman respectively.

2 The following Member Governments, United Nations specialized agency and non-governmental organisations participated in the Group:

CANADA
CHINA
CYPRUS
FINLAND
FRANCE
GERMANY, FEDERAL REPUBLIC OF
GREECE
ITALY
JAPAN
LIBERIA
MEXICO
MOROCCO
NEW ZEALAND
NORWAY
POLAND
SWEDEN
TURKEY
UNITED KINGDOM
UNITED STATES

INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL SHIPPING FEDERATION LIMITED (ISF)
INTERNATIONAL CHAMBER OF COMMERCE (ICC)
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)

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AVAILABLE

3 The Group's terms of reference were as follows:

.1 To consider the submissions made and views expressed in the Committee and to prepare draft detailed and practical technical measures which may be employed by Governments, port authorities and administrations, shipowners, ship operators, shipmasters and crews to ensure the security of passengers and crews on board ships for consideration by the Committee on Monday, 3 February 1986.

.2 The draft technical measures should:

.2.1 provide for security at passenger terminals and on passenger ships on international voyages exceeding 24 hours;

.2.2 be framed in sufficiently broad terms to enable administrations to make proper use of these technical measures taking into account their local conditions and circumstances.

4 The representative of ICAO provided the Group with detailed information on the work of the International Civil Aviation Organization in the field of aviation security. In particular the Group noted:

.1 the wide acceptance by States of The Hague Convention of 1970 for the Suppression of Unlawful Seizure of Aircraft, and

.2 the Montreal Convention of 1971 for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

These Conventions define specified acts as an "offence" punishable by "severe penalties" and establish effectively universal jurisdiction over such offences; States have the duty either to extradite the offenders or to present the case to the appropriate authorities for the purpose of prosecution.

5 The Group also noted, and used as guidance in its deliberations, the:

- .1 technical standards and recommended practices adopted by the Council of ICAO on aviation security and the December 1985 amendments thereto which further developed and re-enforced them;
- .2 Security Manual for Safeguarding Civil Aviation against Acts of Unlawful Interference issued under the authority of the ICAO Secretary-General.

6 The Group agreed the provisional draft "measures to prevent unlawful acts against passengers and crews on board ships" attached at annex.

7 The Group invited the Committee to:

- .1 take note of the report in general;
- .2 include this subject in the agenda of its fifty-third session with a view to:
  - re-convening the Working Group to review the provisional draft measures set forth in the annex to this report; and,
  - taking into account the comments and proposals submitted, approve a text for circulation in accordance with resolution A.584(14);
- .3 request Members to consider this report and to submit their comments and proposals, as soon as possible, and not later than 8 ~~June~~ July 1986;

.4 instruct the Secretariat to convey this report for information and comments, if any to the sixteenth session of the Facilitation Committee and the fifty-sixth session of the Legal Committee; and

.5 express its appreciation to the Secretary-General of ICAO for the useful information and assistance given by his Organization and its representative which greatly assisted the Group's task and expedited its work in preparing the draft measures to prevent unlawful acts against passengers and crews on board ships.

* * *

ANNEX

PROVISIONAL DRAFT

MEASURES TO PREVENT UNLAWFUL ACTS AGAINST PASSENGERS AND CREWS ON BOARD SHIPS

1 INTRODUCTION

1.1 Assembly resolution A.584(14) directed that internationally agreed measures should be developed, on a priority basis, by the Maritime Safety Committee to ensure the security of passengers and crews on board ships and authorized the MSC to request the Secretary-General to issue a circular containing information on the agreed measures to Governments, organizations concerned and interested parties for their consideration and adoption.

1.2 The text of Assembly resolution A.584(14) is attached at appendix 1.

2 Definitions

For the purposes of these measures:

.1 **DESIGNATED AUTHORITY** means the organization or administration identified by or within the Government as responsible [for the national programme] for ensuring the development, implementation and maintenance of port facility security plans or flag State ship security plans, or both.

.2 PORT FACILITY means a location within a port at which commercial maritime activities occur affecting ships covered by these measures.

.3 PASSENGER TERMINAL means any area within the port facility which is used for the assembling, processing, and boarding of passengers and baggage.

.4 PORT FACILITY SECURITY PLAN means a comprehensive written plan for a port facility which identifies, inter alia, regulations, programmes, measures and procedures necessary to prevent unlawful acts which threaten the passengers and crew on board ships.

.5 OPERATOR means the company or representative of the company which maintains operational control over the ship while at sea or dockside.

.6 SHIP SECURITY PLAN means a written plan developed under the authority of the operator to ensure the application of measures on board ship which are designed to prevent unlawful acts which threaten passengers and crew on board ships.

.7 OPERATOR SECURITY OFFICER* means the person designated by the operator to develop and maintain the ship security plan and liaise with port facility security officer.

.8 PORT FACILITY SECURITY OFFICER means the person in a port responsible for the development, implementation and maintenance of the port facility security plan and for liaison with ships' security officers.

.9 SHIP SECURITY OFFICER* means the person on board the ship responsible to the master and operator for on-board security, including implementation and maintenance of the ship security plan and for liaison with port facility security officer.

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* The operator security officer functions may be assigned to the ship security officer on board the ship.

3 General provisions

3.1 Governments, port authorities, administrations, shipowners, operators, shipmasters and crews should take all appropriate measures against unlawful acts threatening passengers and crew on board ships. In the process of implementation, Governments should ensure the application of appropriate measures within areas under their jurisdiction. The measures implemented should take into account local conditions and circumstances.

3.2 Governments should review their national legislation, regulations and guidance to determine their adequacy to maintain security on board ships. It is essential that there is an appropriate legislation or regulations which provide penalties for any person gaining or attempting to gain unauthorized access to the port facility and any person committing an unlawful act against passengers or crew on board ships.

3.3 The measures contained in this document are intended for application to passenger ships engaged on international voyages * of 24 hours or more and the port facilities which serve them. Certain of these measures may, however, also be appropriate for application to other ships or port facilities if the circumstances so warrant.

[3.4 Governments should identify a designated authority responsible for the development, implementation and maintenance of a national programme.] The designated authority should co-ordinate with other relevant domestic agencies to ensure that specific roles and functions of other agencies and departments are agreed and implemented.

3.5 Governments should notify the Secretary-General of implementation of security measures. Any useful information, which might assist other governments in their implementation of measures, on any difficulties and problems which arose and were overcome during implementation of the security measures, should be forwarded with the notification. The designated authority should co-operate with similar authorities of other governments in the exchange of appropriate information.

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* Voyages include all segmented voyages.

3.6 Governments concerned with an act of unlawful interference should provide IMO with all pertinent information concerning the security aspects of the act of unlawful interference as soon as practicable after the act is resolved. Further information and a reporting format is given in appendix 2.

4 Port facility security plan

4.1 Each port facility should develop and maintain an appropriate port facility security plan adequate for local circumstances and conditions and adequate for the anticipated maritime traffic and the number of passengers involved.

4.2 The port facility security plan should provide for measures and equipment as necessary to prevent weapons or any other dangerous devices, the carriage of which is not authorized, from being introduced by any means whatsoever on board ships.

4.3 The port facility security plan should establish measures for the prevention of unauthorized access to the ship and to restricted areas of the passenger terminal.

4.4 The port facility security plan should provide for the evaluation, before they are employed, of all persons responsible for any aspect of security.

4.5 A port facility security officer should be appointed for each port facility. The port facility security plan should identify the security officer for that port facility.

4.6 The responsibilitier of the port facility security officer should include, but not be limited to:

.1 conducting an initial comprehensive security survey in order to prepare a port facility security plan, and thereafter regular subsequant security inspections of the port facility to insure continuation of appropriate security measures;

.2 implementing the port facility security plan;

.3 recommending modifications to the port facility security plan to correct deficiencies and satisfy the security requirements of the individual port facility;

.4 encouraging security awareness and vigilance;

.5 ensuring adequate training for personnel responsible for security;

.6 maintaining records of occurrences of unlawful acts which affect the operations of the port facility;

.7 co-ordinating implementation of the port facility security plan with the competent operator security officers; and

.8 co-ordinating with other national and international security services, as appropriate.

4.7 Security measures and procedure should be applied at passenger terminals in such a manner as to cause a minimum of interference with, or delay to, passenger services.

5 Ship security plan

5.1 A ship security plan should be developed for each ship. The plan should be sufficiently flexible to take into account the level of security reflected in the port facility security plan for each port at which the ship intends to call.

5.2 The ship security plan should include measures and equipment as necessary to prevent weapons or any other dangerous devices, the carriage of which is not authorised, from being introduced by any means whatsoever on board a ship.

5.3 The ship security plan should establish measures for the prevention of unauthorised access to the ship and to restricted areas on board.

5.4 A ship security officer should be appointed on each ship. The ship security plan should identify the ship security officer.

5.5 The operator security officer should be responsible for, but not be limited to:

.1 conducting an initial comprehensive security survey and thereafter regular subsequent inspections of the ship;

.2 developing and maintaining the ship security plan;

.3 modifying the ship security plan to correct deficiencies and satisfy the security requirements of the individual ship;

.4 encouraging security awareness and vigilance;

.5 ensuring adequate training for personnel responsible for security;

.6 co-ordinating implementation of the ship security plan with the competent port facility security officer.

5.6 The ship security officer should be responsible for, but not limited to:

.1 regular inspections of the ship;

.2 implementing and maintaining the ship security plan;

.3 propose modifications to the ship security plan to correct deficiencies and satisfy the security requirements of the ship;

.4 encouraging security awareness and vigilance on board;

.5 ensuring that adequate training has been provided for personnel responsible for security;

.6 reporting all occurrences or suspected occurrences of unlawful acts to the port facility security officer and ensuring that the report is forwarded, through the master, to the operator for submission to the ship's flag State's designated authority; and

.7 co-ordinating implementation of the ship security plan with the competent port facility security officer.

6 Annexes

The annexes attached hereto, contain information which may be useful when developing or improving security measures.

APPENDIX 1

RESOLUTION A.584(14)
adopted on 20 November 1985

MEASURES TO PREVENT UNLAWFUL ACTS WHICH THREATEN THE SAFETY OF SHIPS AND THE SECURITY OF THEIR PASSENGERS AND CREWS

THE ASSEMBLY,

RECALLING Article 1 and Article 15(j) of the Convention on the International Maritime Organization concerning the purposes of the Organization and the functions of the Assembly in relation to regulations and guidelines concerning maritime safety,

NOTING with great concern the danger to passengers and crews resulting from the increasing number of incidents involving piracy, armed robbery and other unlawful acts against or on board ships, including small craft, both at anchor and under way,

RECALLING resolution A.545(13) which urged action to initiate a series of measures to combat acts of piacy and armed robbery against ships and small craft at sea,

RECOGNIZING the need for the Organization to assist in the formulation of internationally agreed technical measures to improve security and reduce the risk to the lives of passengers and crews on board ships,

1. CALLS UPON all Governments, port authorities and administrations, shipowners, ship operators, shipmasters and crews to take, as soon as possible, steps to review and, as necessary, strengthen port and on-board security;

2. DIRECTS the Maritime Safety Committee, in co-operation with other committees, as required, to develop, on a priority basis, detailed and practical technical measures, including both shoreside and shipboard measures, which may be employed by Governments, port authorities and administrations, shipowners, ship operators, shipmasters and crews to ensure the security of passengers and crews on board ships;

3. INVITES the Maritime Safety Committee to take note of the work of the International Civil Aviation Organization in the development of standards and recommended practices for airport and aircraft security;

4. AUTHORIZES the Maritime Safety Committee to request the Secretary-General to issue a circular containing information on the measures developed by the Committee to Governments, organizations concerned and interested parties for their consideration and adoption.

APPENDIX 2

REPORTS OF UNLAWFUL ACTS

1 To safeguard maritime interests against unlawful acts which threatens the security of passengers and crews on board ships, reports on incidents and the measures taken to prevent their recurrence should be provided to the Organization as soon as possible by the flag and port state, as appropriate. This information will be utilized in updating or revising these agreed measures, as necessary.

2 Use of the following report format is recommended for conveying information for such purposes:

REPORT ON AN UNLAWFUL ACT

Date: ____________

1 SHIP OR PORT AREA DESCRIPTION;

NAME OF SHIP ______________________________

STATE OF REGISTRY ______________________________

MASTER ______________________________

PORT FACILITY SECURITY OFFICER ______________________________

2 BRIEF DESCRIPTION OF INCIDENT OR THREAT

____

____

____

DATE, TIME AND PLACE OF INCIDENT OR THREAT______________________________

____

3 NUMBER OF ALLEGED OFFENDERS:

PASSENGER ____________ CREW ____________ OTHER ____________

4 METHOD UTILIZED TO INTRODUCE DANGEROUS SUBSTANCES OR DEVICES INTO THE PORT FACILITY OR SHIP

PERSONS__________;

BAGGAGE: _____ CARGO: ______ SHIP STORES: ________ OTHER: ______

5 TYPE OF DANGEROUS SUBSTANCES OR DEVICES USED, WITH FULL DESCRIPTION:

WEAPON -

EXPLOSIVES -

OTHER -

6 a) WHERE WERE THE ITEMS DESCRIBED IN SECTION 5 ABOVE CONCEALED, IF KNOWN?

b) HOW WERE THE ITEMS DESCRIBED IN SECTION 5 ABOVE USED AND WHERE?

c) HOW WERE THE SECURITY MEASURES CIRCUMVENTED?

7 WHAT MEASURES AND PROCEDURES ARE RECOMMENDED TO PREVENT RECURRENCE OF A SIMILAR EVENT?

8 OTHER PERTINENT DETAILS:

ANNEX 1

SECURITY SURVEYS

1 General

1.1 In order to prepare security plans, an initial comprehensive security survey should be undertaken to assess the effectiveness of security measures and procedures for the prevention of unlawful acts and determine the vulnerability of the port facility or the ship, or both, to such acts.

1.2 The results of this security survey should be used to determine the security measures necessary to counter the threat both at the port facility and on board ships taking into consideration local conditions.

1.3 The survey should determine what needs to be protected, what security measures are already in effect, and what additional security measures and procedures are required.

1.4 The security survey should be periodically reviewed and the security plans, updated as necessary.

2 Port facility security survey

2.1 The port facility security survey may be divided into two parts, the initial preliminary assessment and an on-scene security survey.

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2.1.1 Preliminary assessment

2.1.1.1 Prior to commencing the survey the port facility security officer should obtain current information on the assessment of threat for the locality and should be knowledgeable about the port facility and type of ship calling at the port. He should study previous reports on similar security needs and know the general layout and nature of the operations conducted.

2.1.1.2 The port facility security officer should meet with appropriate representatives of the port facility, the operator, or both of them, to discuss the purpose and methodology of the survey.

2.1.1.3 The port facility security officer should obtain and record the information required to conduct a vulnerability assessment, including:

.1 the general layout of the port facility and terminal including topography, building locations, etc.;

.2 areas and structures in the vicinity of the port facility such as, fuel storage depots, bridges, locks, etc.;

.3 the degree of dependence on essential services, such as electric power, communications, etc.;

.4 stand-by equipment to assure continuity of essential services;

.5 locations and functions of each actual or potential access point;

.6 numerical strength, reliability and function of staff, permanent labour, and casual labour forces;

.7 the details of existing security measures and procedures, including inspection, control and monitoring procedures, identification documents, access control procedures, fencing, lighting, fire hazards, storm drains, etc.;

.8 the equipment in use for protection of passengers, crews and port facility personnel;

.9 all vehicle traffic or services which enter the port facility; and

.10 availability of other personnel in an emergency.

2.1.2 On-scene security survey

2.1.2.1 The port facility security officer should examine and evaluate the methods and procedures used to control access to ships and restricted areas in the port facility, including:

.1 inspection, control and monitoring of persons and carry on articles;

.2 inspection, control and monitoring of cargo, ship stores, and baggage; and

.3 safeguarding cargo, ship stores, and baggage held in storage within the port facility.

2.1.2.2 The port facility security officer should examine each identified point of access to ships and restricted areas in the port facility and evaluate its potential for use by individuals who might be engaged in unlawful acts. This includes persons having legitimate access as well as those who seek to obtain unauthorized entry.

2.1.2.3 The port facility security officer should examine and evaluate existing security measures, procedures and operations under both emergency and routine conditions, including:

.1 established safety procedures;

.2 restrictions or limitations on vehicle access to the port facility;

.3 access of fire and emergency vehicles to restricted areas and availability of parking and marshalling areas;

.4 the level of supervision of personnel;

.5 the frequency and effectiveness of patrols by security personnel;

.6 the security key control system;

.7 security communications, systems, and procedures; and

.8 security barriers and lighting.

3 Ship security survey

3.1 The ship security survey may be divided into two parts, the initial preliminary assessment and an on-scene security survey.

3.1.1 Preliminary assessment

3.1.1.1 Prior to commencing the ship security survey, the operator security officer should obtain information on the assessment of threat for the ports at which the ship regularly calls or embarks or disembarks passengers. He should be knowledgeable about the port facilities and their security measures. He should study previous reports on similar security needs.

3.1.1.2 The operator security officer should meet with appropriate persons on the ship and in the port facilities to discuss the purpose and methodology of the survey.

3.1.1.3 The operator security officer should obtain and record the information required to conduct a vulnerability assessment, including:

.1 the general layout of the ship;

.2 the location of areas which should have restricted access, such as, engine-room, bridge, radio-room etc.;

.3 the location and function of each actual or potential access point to the ship;

.4 the open deck arrangement including the height of the deck above the water;

.5 the emergency and stand-by equipment available to maintain essential services;

.6 numerical strength, reliability and security duties of the ship's crew;

.7 existing security and fire protection equipment for protection of passengers and crew; and

.8 existing security measures and procedures in effect, including inspection, control and monitoring equipment, communications systems, alarm and intrusion detection systems, personnel identification documents, lighting systems, access control systems, etc.

3.1.2 On-scene security survey

3.1.2.1 The operator security officer should examine and evaluate the methods and procedures used to control access to ships, including:

.1 inspection, control and monitoring of persons and carry-on articles; and

.2 inspection, control and monitoring of cargo, ship's stores and baggage.

3.1.2.2 The operator security officer should examine each identified point of access, including open weather decks, and evaluate its potential for use by individuals who might be engaged in unlawful acts. This includes individuals having legitimate access as well as those who seek to obtain unauthorized entry.

3.1.2.3 The operator security officer should examine and evaluate existing security measures, procedures and operations, under both emergency and routine conditions, including:

.1 established security procedures;

.2 response procedures to fire or other emergency conditions;

.3 the level of supervision of ship's crew, vendors, repair technicians, dock workers, etc.;

.4 the frequency and effectiveness of security patrols;

.5 the security key control system;

.6 security communications systems and procedures; and

.7 security doors, barriers and lighting;

4 Periodic security inspections

Security inspections should be undertaken on a periodic basis to permit a review and updating of the initial comprehensive security survey and possible modification of the port facility and ship security plans.

5 Report

5.1 From the information obtained during the survey assessment and inspection, the security officer should assess the vulnerability of the port facility, ship, or both.

5.2 The report should contain, as appropriate, recommendations for new or revised security measures and procedures.

5.3 The report will form the basis for development or revision of security plans, should be confidential and have limited distribution.

ANNEX 2

SECURITY MEASURES AND PROCEDURES

1 General

1.1 Port facility security measures and procedures and ship security measures and procedures should be considered separately. The security measures and procedures implemented should take account of the recommendations contained in the report described in paragraph 5 of annex 1.

2 Port facility security

2.1 Security measures and procedures to reduce port facility vulnerability. Increased levels of threat will have a significant influence on the number and type of security measures used and the degree of measures and procedures adopted. During short periods of heightened threat, increased security can be achieved through the use of additional manpower.

2.2 The following on-scene security measures should be considered:

.1 restricted areas;
.2 security barriers;
.3 security lighting;
.4 security alarms and communication systems; and
.5 access control and identification.

2.2.1 Restricted areas

The establishment of restricted areas helps control and channel access, improves security, and increases efficiency by providing degrees of security compatible with the port facility's operational requirements. Restricted areas may be further subdivided depending on the degree of restriction or control required to prevent unauthorized access.

2.2.2 Security barriers

2.2.2.1 The boundary between restricted and uncontrolled areas should be clearly defined. This can be achieved by security barriers which prevent access except at authorized points. Where permanent security barriers are appropriate, security fences have proven effective.

2.2.2.2 The purpose of security barriers is to:

.1 delineate the area to be protected;

.2 create a physical and psychological deterrent to persons attempting unauthorized entry;

.3 delay intrusion, enabling operating personnel and security guards to detect, and, if necessary, apprehend intruders; and

.4 provide designated and readily identifiable places for entry of personnel and vehicles into areas where access is restricted.

2.2.2.3 Openings in security barriers should be kept to a minimum and secured when not in use.

2.2.2.4 Security fences and other barriers should be located and constructed so as to prevent the introduction of dangerous substances or devices, and should be of sufficient height and durability to deter unauthorized passage.

2.2.2.5 Security fence lines should be kept clear of all obstructions.

2.2.2.6 The effectiveness of a security fence against penetration depends to a large extent on the contruction employed. The total height of the security fencing should be not less than 2.50 m.

2.2.2.7 Natural barriers such as water, ravines, etc., can sometimes be effectively utilised as part of the control boundary. However, they may require supporting safeguards (i.e. fencing, security patrols, surveillance, anti-intrusion devices, lighting) especially during high threat periods.

2.2.2.8 The roofs of buildings may also provide a possible route for unauthorized access to the restricted area. Safeguards should be taken to prevent such access by these routes.

2.2.2.9 Restricted areas partly surrounded by water may require security barriers consisting of sufficient illumination during night hours, and if on navigable waters, frequent and unscheduled patrols by boat or ashore on foot, or both. Illumination of these areas must be of a type and so placed that it does not interfere with safe navigation.

2.2.3 Security lighting

2.2.3.1 Security lighting with uninterrupted power supply is an important element in a security programme.

2.2.3.2 The primary system should consist of a series of lights arranged to illuminate a specific area continuously during the hours of darkness or restricted visibility. In some circumstances, it may be preferable to use such lighting systems only in response to an alarm.

2.2.3.3 Floodlights may be used to supplement the primary system and may be either portable or fixed. Floodlights when used should have sufficient flexibility to permit examination of the barrier under observation and adjacent unlighted areas.

2.2.3.4 Multiple circuits may be used to advantage in the security lighting system. Circuits should be so arranged that the failure of any one lamp will not affect a series of others.

2.2.3.5 Controls and switches for security lighting should be protected at all times.

2.2.3.6 Where fences and other barriers are to be illuminated, it is important to ensure that the intensity of illumination is adequate for the purpose.

2.2.4 Security alarms and communication systems

2.2.4.1 Intrusion detection systems and alarm devices may be appropriate as a complement to guards and patrols during periods of increased threat.

2.2.4.2 Immediate response capability by guards to an alarm from an intrusion detection system or device is important if its use is to be effective. Alarms may be local, i.e. at the site of the intrusion, provided at a central location or station, or a combination of both.

2.2.4.3 A wide variety of intrusion detection systems and devices are available for possible use. These systems include those which are sensitive to:

.1 breaking of an electrical circuit;

.2 interruption of a light beam;

.3 sound;

.4 vibration;

.5 motion; or

.6 capacitance change in an electrical field.

2.2.4.4 In view of the wide range of technical matters which must be taken into account in deciding upon the device or system best suited for application in each environment and for each task, it is prudent to obtain the advice of a qualified expert before a decision is made on the system or device to be used.

2.2.4.5 A means of transmitting discreet or covert signals by radio, direct-line facilities or other similarly reliable means should be provided at each access point for use by the control and monitoring personnel to contact police, security control, or an emergency operations centre in the event assistance is required. An additional public or overt communications system would be useful to obtain information or advice on routine matters.

2.2.5 Access control and identification

2.2.5.1 Persons and property, before being permitted to proceed beyond access points, should be subject to routine inspection or control and monitoring, or both.

2.2.5.2 It is recommended that port facility employees, vendors, operators personnel, assigned law enforcement officials and others, whose official duties require them to pass through the access point, should prominently display a tamper-resistant identification card. This procedure should be closely monitored and strictly enforced to preserve the integrity of the inspection, control and monitoring processes and the security of the passenger terminal and ships. Approved means of identification and the procedures to be followed should be specifically provided for in the security plan.

2.2.5.3 An effective means of identification is a card which incorporates a photograph of the individual as an integral part. These should show the relevant details of the holder, e.g. name, description, or other pertinent data. The provision of a photograph is recommended in order to prevent misuse of the card by unauthorised persons.

2.2.5.4 To prevent substitution of a photograph and subsequent illegal use, the entire card should be sealed in a plastic container, preferably of a type which will mutilate the photograph and card if tampered with.

2.2.5.5 The number and types of different styles of identification cards in the port area should be limited in order to avoid control problems for security staff and the administration of the identification programme.

2.2.5.6 Identification cards should be issued by an appropriate control authority, such as a port authority or ship operator. Strict card control and accountability procedures should be established and maintained.

2.2.5.7 Persons who refuse to submit to security clearance at an access point must be denied entry.

2.2.5.8 Persons denied entry for refusal to submit to security clearance, or for other security reason should be, if possible, identified and reported to appropriate security personnel.

2.2.5.9 A booth or other area in which a manual search can be conducted is advisable. The access points should, as appropriate, be equipped with metal detectors to expedite the security clearance of people.

2.2.5.10 All items should be subject to inspection, appropriate to the risk of unlawful acts, prior to being placed on board ships. Such inspection methods may include hand search, electronic screening, the use of dogs, or other means.

2.2.5.11 Tables on which baggage may be searched should be provided at the appropriate access points. Such tables should be high enough to permit inspection without requiring the examiner to bend. They also should be sufficiently wide to provide some measure of separation of the baggage from the passenger. The latter should be able to witness the examination, but should not be in a position to interfere with the examiner.

3 Ship security

3.1 The master's traditional authority in matters of ship security remains unchanged. Maintaining ship security is an ongoing task. Additional security measures should be implemented to counter increased risks when warranted.

3.2 Ship security should be continually supervised by the ship security officer. A well-trained crew is in itself a strong deterrent to being subjected to unlawful acts.

3.3 Communication and co-operation with the port facility in security matters should be maintained.

3.4 The following on-board security measures should be considered:

- .1 restricted areas;
- .2 deck and overside lighting;
- .3 access control and identification;
- .4 security alarms and communication systems.

3.4.1 Restricted areas

3.4.1.1 The establishment of restricted areas on board ships (e.g. bridge, engine-room, radio-room etc.,) are recommended.

3.4.1.2 The use, number, and distribution of master keys on-board ships should be controlled by the master.

3.4.1.3 The ship security plan should provide for immediate corrective action in the event of security being compromised by potential misuse or loss of keys.

3.4.2 Deck and overside lighting

3.4.2.1 While in port, at anchor or underway the ship's deck and overside should be illuminated in periods of darkness and restricted visibility, but not so as to interfere with the required navigation lights and safe navigation.

3.4.3 Access control and identification

3.4.3.1 Crew members should carry at all times a photo identification document.

3.4.3.2 When visitors to the ship are permitted their embarkation and disembarkation should be closely controlled.

3.4.3.3 All vendors should have an identification document prior to boarding the ship or should be escorted at all times on board the ship.

3.4.4. Security alarms and communication systems

3.4.4.1 Intrusion detection systems and alarm devices may be appropriate in restricted areas and at access points to the ship, as a complement to guards and patrols. Immediate appropriate response to an alarm is important if the detection systems and alarm devices are to be effective.

3.4.4.2 In view of the wide range of technical matters which must be taken into account in deciding upon the device or system best suited for application in each environment, it is prudent that the advice of a qualified expert be obtained before a decision is made on the system or device to be used.

3.4.4.3 A means of discreet or covert communications by radio, direct-line facilities or other reliable means should be provided in each restricted zone and at each access point for use by security or operating personnel to contact the ship security officer in the event assistance is required.

[illegible]

ANNEX 3

SECURITY TRAINING

1 General

A continuous and thorough training programme should support measures taken to safeguard the security of passengers and crews on board ships. Basic guidance for development of security training and education is given in the following paragraphs.

2 Criteria

Security training should meet the following criteria:

.1 be comprehensive;
.2 have an adequate number of qualified instructors;
.3 have an effective system of presentation;
.4 use adequate training equipment and aids; and
.5 have a clearly defined objective, i.e. the attainment of an established minimum standard of proficiency, knowledge, and skill to be demonstrated by each individual.

3 Port facility security personnel training

3.1 Security officer and appropriate staff

The port facility security officer and appropriate port facility staff should have knowledge and, as necessary, receive training in some or all of the following, as appropriate:

.1 security administration;
.2 relevant international conventions, codes and recommendations;
.3 responsibilities and functions of other involved organizations;
.4 relevant government legislation and regulations;
.5 risk, threat and vulnerability assessments;
.6 security surveys and inspections;
.7 ship security measures;
.8 security training and education;
.9 recognition of characteristics and behavioural patterns of persons who are likely to commit unlawful acts;
.10 inspection, control and monitoring techniques;
.11 techniques used to circumvent security measures;
.12 dangerous substances and devices and how to recognize them;
.13 ship and local port operations and conditions; and
.14 security devices and systems.

3.2 Inspection, control and monitoring

Instruction and, where appropriate, training for persons assigned to conduct inspection, control and monitoring at a port facility should take into consideration, as appropriate:

.1 responsibilities under the port facility plan or ship security plan;
.2 inspection, control and monitoring regulations or policies and pertinent laws;
.3 detection and identification of fire-arms, weapons and other dangerous substances and devices;

.4 operation and testing of security equipment;

.5 manual search methods of persons, baggage, cargo and ship's stores;

.6 emergency procedures;

.7 recognition of characteristics and behavioural patterns of persons who are likely to commit unlawful acts;

.8 human relations techniques; and

.9 techniques used to circumvent security measures.

3.3 Guards

Port facility guards who are assigned either to specific fixed locations or to patrols for the purpose of preventing unauthorized access to areas should receive a general briefing on the training subjects recommended for the port facility security officer. Initial and subsequent training should emphasize techniques for:

.1 entry control;

.2 patrols, observation and communications;

.3 inspection, identification and reporting;

.4 person, building and vehicle searches;

.5 apprehension of suspects;

.6 self-defence;

.7 recognizing dangerous substances and devices;

.8 human relations; and

.9 first aid.

4 Ship security personnel training

4.1 Security officer and appropriate staff

The operator security officer and appropriate staff should have knowledge and, as necessary, receive training in some or all of the following, as appropriate:

.1 security administration;
.2 relevant international conventions, codes and recommendations;
.3 responsibilities and functions of other involved organizations;
.4 relevant government legislation and regulations;
.5 risk, threat and vulnerability assessments;
.6 security surveys and inspections;
.7 ship security measures;
.8 security training and education;
.9 recognition of characteristics and behavioural patterns of persons who are likely to commit unlawful acts;
.10 inspection, control and monitoring techniques;
.11 techniques used to circumvent security measures;
.12 dangerous substances and devices and how to recognise them;
.13 ship and local port operations and conditions; and
.14 security devices and systems.

4.2 Ship security officer

The ship security officer should have adequate knowledge of and, if necessary, training in the following as appropriate:

.1 the ship security plan and related emergency procedures;
.2 the layout of the ship;
.3 the assessment of the risk, threat and vulnerability;

.4 methods of conducting security inspections;
.5 techniques used to circumvent security measures;
.6 operation of technical aids to security, if used;
.7 recognition of characteristics and behavioural patterns of persons who may be likely to commit unlawful acts;
.8 the detection and recognition of dangerous substances and devices;
.9 port and ship operations;
.10 methods of physical searches of persons and their baggage.

4.3 Inspection, control and monitoring personnel

Instruction and training, as appropriate, for persons assigned to conduct inspection, control and monitoring on board ships should take into consideration, as appropriate, the following, the:

.1 responsibilities under the port facility or ship security plan;

.2 inspection, control and monitoring regulations or policies and pertinent laws;

.3 detection and identification of fire-arms, weapons, and other dangerous substances and devices;

.4 operation and testing of security equipment, if used;

.5 physical search methods of persons, baggage, cargo, and ship's stores;

.6 emergency procedures;

.7 recognition of characteristics and behavioural patterns of persons who are likely to commit unlawful acts;

.8 human relations techniques; and

.9 techniques used to circumvent security measures.

4.4 Ship's crew

Crew members having specific security duties should know their responsibilities for ship security as described in the ship security plan and should have sufficient knowledge and ability to perform their assigned duties.

5 Law enforcement personnel

Appropriate law enforcement personnel, when not directly involved in or responsible for port facility security, should receive a general briefing to become familiar with port and ship operations and the training of port facility and ship operator security personnel. They should also be orientated regarding inspection, control and monitoring and the security plans.

ANNEX 4

EXCHANGE OF INFORMATION

1 The prompt and continuing dissemination and exchange of information will assist the maintenance of effective port and ship security procedures and will enable States, port facilities, operators and shipmasters to adjust their procedures in response to changing conditions and the specific or general threats.

2 Effective port and ship security requires efficient two-way communications for the exchange of information at all levels both domestic and with the governments and organizations concerned. The prompt, clear and orderly dissemination of such information is vital to the success of the security programme.

APPENDIX 3

Responses by Mr. Scocozza to Additional Questions Submitted for the Record by the Committee on Foreign Affairs

QUESTION: In your testimony, you allude to changes in FAA's assessment of security at foreign airports since enactment of the 1985 Act. Could you detail some of those changes? Are different FAA personnel doing the assessments? Are they being done more frequently?

ANSWER: For a number of years, FAA has inspected the operations of U.S. air carriers at foreign airports to assure their compliance with our security regulations. In conducting those air carrier inspections, the airport's security condition would be observed. Observations might have been shared informally with the host government. In some cases, formal presentations were made. Since the enactment of the International Security and Development Cooperation Act of 1985, however, the frequency of FAA visits to foreign airports has increased severalfold; our observation of the airports' security posture has been far more in-depth; and our coordination with the host governments has been closer and more productive. The FAA staffing has been increased and many new security inspectors are participating in the foreign airport assessments.

QUESTION: Your testimony indicates that in the assessments conducted so far it has not been necessary to determine that any foreign airport does not comply with ICAO standards. In order for you to reach this conclusion, was it necessary for any airports to make changes in their procedures to avoid an unfavorable assessment?

ANSWER: During the course of almost all foreign airport assessments, security procedures and facilities are observed that could be improved, either for the sake of improved efficiency and effectiveness, or because they are inadequate. Recommendations are made to the host government, and, in many cases, are adopted on the spot or acceptable alternative procedures are adopted. Follow-up assessments are scheduled to assure that the corrective or alternative actions are effective. In some cases, failure to take appropriate corrective action could have resulted in an unfavorable finding. In no case did we find that the airport was not maintaining an effective security program, in light of the perceived level of risk in the nation.

QUESTION: The 1985 Act added funds for research and development to improve the detection of weapons and explosives. How are those funds being allocated? How will Gramm-Rudman-Hollings cuts affect this research program and the security assessments?

ANSWER: Research in the aviation security program is designed to develop hardware and procedures to provide a balanced response to terrorist and hijacking threats. The program is divided between work on short-term products and research into improved systems. Approximately 80 percent of the research and development (R&D) budget is committed to explosives detection, 10 percent is allocated to weapons detection, and the remaining 10 percent for other security systems R&D. These aviation security programs will continue to have a high priority despite Gramm-Rudman-Hollings reductions in the FAA. In addition, we are continuing to staff to authorized levels of security personnel notwithstanding reductions in agency funding.

QUESTION: What are DOT and FAA doing to ensure that U.S. airports remain secure? Have any changes been made in the frequency of FAA's inspection of U.S. airports or in the security measures that are required?

ANSWER: Although there has been a tremendous increase in the attention paid to aviation security matters at international airports, we have not neglected or reduced the focus on, or the required frequency of, inspections of U.S. airports. Additionally, special assessments have been conducted at airports with international operations. Some additional security measures have been adopted to include, for example, the elimination of the acceptance of curbside check-in for international flights.

QUESTION: Congressman Biaggi recently introduced legislation to improve FAA's security program. I would appreciate any comments you could make on several provisions in his bill.

(a) First, the bill would require that FAA inspect each U.S. airport used for foreign air transportation at least once every 30 days to evaluate the security programs of the airport and of U.S. and foreign air carriers serving the airport. How often does FAA currently inspect airports receiving international service? What are your thoughts on making if mandatory to inspect the airport at least 30 days?

(b) The Biaggi bill further provides for an increase of 200 in the authorized level of FAA security personnel. Do you have any comments on this proposal?

(c) The Biaggi bill would exempt FAA civil aviation security program from Gramm-Rudman sequestration procedures. Do you have any comments on this proposal?

(d) Do you have any comments on Congressman Biaggi's proposal to increase the pay of FAA airport police?

ANSWER: Currently, FAA has categorized all U.S. airports based primarily on their volume of passenger traffic. Previous studies have determined that there is a direct correlation between passenger traffic and the incidence of criminal acts against aviation. The different categories of airports receive different frequencies of inspections, ranging from annually to quarterly, with the higher volume airports with the higher level of threat receiving the more frequent attention. FAA has security field offices located on the larger airports, including almost all of those with major international operations, and, as a result, they are under direct observation on a daily basis. Further, additional inspections are conducted at all those airports where our observations have identified security problems or at any time there is a particular identifiable threat. For these reasons, we do not feel it necessary to mandate airport inspections every 30 days.

In terms of staffing for FY 1986, the FAA was authorized an increase of 200 security positions. We are presently in the process of hiring and training this additional complement of personnel. Until this process is completed, it cannot be determined whether future additional staffing is necessary or appropriate.

With respect to the Gramm-Rudman Act, we would not favor a special exception for the agency's aviation security functions. Insofar as the issue of increasing FAA airport police pay is concerned, Secretary Dole has recently achieved increased pay authority from the Office of Personnel Management to assist in the recruitment and retention of airport police.

QUESTION: In your testimony, you indicate that the Department intends to submit legislation directing airlines to conduct criminal background checks prior to employing persons who would have access to airport areas that are restricted for security reasons.

(a) Will this legislation require the airlines to look only at the question of whether a prospective employee has a criminal record or will the airlines also be required to look into other aspects of a prospective employee's background?

(b) Do you contemplate that either the legislation or DOT regulations will prohibit the airlines from employing persons with a criminal record for positions where they would have access to security areas? If so, have you given any thought to what types of criminal convictions will be automatically disqualifying?

(c) Will either the law or DOT regulations prohibit the airlines from employing persons for reasons other than criminal record? If so, what background conditions will be disqualifying?

(d) Under your legislation, will the mandatory background check include a requirement that the airlines obtain from the FBI background information on a prospective employee. If so, will the FBI information involve only a person's criminal record or will it involve other information on file with the FBI? Will the FBI be making recommendations as to whether a person is suitable for employment?

ANSWER: Secretary Dole transmitted the proposed legislation to the Congress on February 18. The legislation would authorize the Administrator to require by regulation that employees be subject to such background investigation, including fingerprinting, as the Administrator determines necessary. The precise requirements would be developed through the regulatory process which would, of course, provide opportunity for comment by interested parties. It would also authorize the release of criminal history records information by the Department of Justice. Implementation of the legislation would primarily be through the administrative/rulemaking process, so decisions concerning standards to be used and potentially disqualifying factors have not yet been made.

QUESTION: Mr. Noble testified that in some FAA security assessments, FAA applies standards which exceed the minimum ICAO standards prescribed by law. In what types of cases are the higher standards applied? Is the determination to apply higher standards based on a Department of State risk assessment?

ANSWER: As recognized by ICAO, enhanced security measures beyond those specified by ICAO may be necessary depending on airport/country conditions. If enhanced measures are appropriate, the determination would be based on an assessment of risk to aviation. We make our assessment of risk based on a review of intelligence information from a variety of agencies, including the Department of State.

APPENDIX 4

III

99TH CONGRESS
2D SESSION

H. CON. RES. 270

Expressing the sense of the Congress that the Secretary of State should issue a travel advisory with respect to any country in which Libyan-supported terrorists attack United States citizens if that country's government fails to act immediately to require the closing of any Libyan diplomatic or trade missions in that country.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 1986

Mr. LEVINE of California (for himself and Mr. LEWIS of California) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

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CONCURRENT RESOLUTION

Expressing the sense of the Congress that the Secretary of State should issue a travel advisory with respect to any country in which Libyan-supported terrorists attack United States citizens if that country's government fails to act immediately to require the closing of any Libyan diplomatic or trade missions in that country.

Whereas the increase in international terrorism is of deep concern to the United States and to the responsible world community;

Whereas Libyan leader Mu'ammar Qadhafi has used terrorism as one of the primary instruments of his foreign policy and supports radical groups which use terrorist tactics;

Whereas Qadhafi's tactics include a mixture of threats, material support for terrorism, offers of cooperation, economic incentives and intimidation, and outright military aggression;

Whereas Qadhafi provides logistical support for terrorist operations, such as supplying passports to the Abu Nidal members responsible for the attack on the El Al ticket counter in Vienna;

Whereas training for radical Palestinians and other radical elements frequently takes place in Libya;

Whereas during Qadhafi's reign there have been numerous instances of Libyan-sponsored attacks against United States interests;

Whereas during the past 18 months Qadhafi has made several public references to expanding his terrorism campaign to include United States targets;

Whereas Qadhafi has applauded and praised the recent terrorist attacks in Vienna and Rome, which resulted in the death of 5 Americans and the injury of 12 Americans;

Whereas the responsible international community suffers from Qadhafi's disrespect for international norms of behavior and accepted diplomatic practices;

Whereas Qadhafi blatantly uses terrorist violence against political opponents and has abused diplomatic privilege for terrorist purposes, such as using Libyan embassies and diplomatic pouches for transferring and storing weapons and explosives;

Whereas Qadhafi's support for terrorist acts has clearly jeopardized the safety of United States citizens;

Whereas it is clearly the responsibility of the United States Government to protect the safety of all its citizens, at all times and in all places; and

Whereas it is in the interest of the responsible world community to isolate Libya, economically, politically, and militarily, to the greatest extent possible: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Secretary of State should issue a travel advisory warning United States citizens of the dangers of traveling in any country in which United States citizens are attacked by terrorists supported by Libya if the government of that country fails to act immediately to require the closing of any Libyan diplomatic or trade missions in that country.

APPENDIX 5

TITLE V OF PUBLIC LAW 99-83—INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985, AUG. 8, 1985

TITLE V—INTERNATIONAL TERRORISM AND FOREIGN AIRPORT SECURITY

Part A—International Terrorism Generally

SEC. 501. ANTI-TERRORISM ASSISTANCE PROGRAM.

(a) AUTHORIZATIONS.—Section 575 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 575. AUTHORIZATIONS OF APPROPRIATIONS.—(a) There are authorized to be appropriated to the President to carry out this chapter $9,840,000 for fiscal year 1986 and $9,840,000 for fiscal year 1987.

"(b) Amounts appropriated under this section are authorized to remain available until expended.".

(b) ITEMS ON THE MUNITIONS LIST.—Section 573(d)(4) of such Act is amended to read as follows:

"(4)(A) Except as provided in subparagraph (B), articles on the United States Munitions List established pursuant to the Arms Export Control Act may not be made available under this chapter.

"(B) For fiscal years 1986 and 1987, articles on the United States Munitions List may be made available under this chapter if—

"(i) they are small arms in category I (relating to firearms), ammunition in category III (relating to ammunition) for small arms in category I, or articles in category X (relating to protective personnel equipment), and they are directly related to anti-terrorism training being provided under this chapter;

"(ii) the recipient country is not prohibited by law from receiving assistance under one or more of the following provisions: chapter 2 of this part, chapter 5 of this part, or the Arms Export Control Act; and

"(iii) at least 15 days before the articles are made available to the foreign country, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of the proposed transfer, in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act.

"(C) The value (in terms of original acquisition cost) of all equipment and commodities provided under subsection (a) of this section, including articles described in subparagraph (B)(i) of this paragraph, may not exceed $325,000 in fiscal year 1986 or $325,000 in fiscal year 1987.".

(c) RESTRICTION.—Section 573 of such Act is amended by adding at the end thereof the following new subsection:

"(f) Funds made available to carry out this chapter may not be used for personnel compensation or benefits.".

(d) EXPIRATION OF AUTHORITY.—Section 577 of such Act is repealed.

SEC. 502. COORDINATION OF ALL UNITED STATES ANTI-TERRORISM ASSISTANCE TO FOREIGN COUNTRIES.

(a) COORDINATION.—The Secretary of State shall be responsible for coordinating all anti-terrorism assistance to foreign countries provided by the United States Government.

(b) REPORTS.—Not later than February 1 each year, the Secretary of State, in consultation with appropriate United States Government agencies, shall report to the appropriate committees of the Congress on the anti-terrorism assistance provided by the United States Government during the preceding fiscal year. Such reports may be provided on a classified basis to the extent necessary, and shall specify the amount and nature of the assistance provided.

SEC. 503. PROHIBITION ON ASSISTANCE TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

(a) PROHIBITION.—Section 620A of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 620A. PROHIBITION ON ASSISTANCE TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.—(a) The United States shall not provide any assistance under this Act, the Agricultural Trade Development and Assistance Act of 1954, the Peace Corps Act, or the

Arms Export Control Act, to any country which the President determines—

"(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

"(2) otherwise supports international terrorism.

"(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of the waiver (including the justification for the waiver) in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act.

"(c) If sanctions are imposed on a country pursuant to subsection (a) because of its support for international terrorism, the President should call upon other countries to impose similar sanctions on that country.".

(b) Conforming Amendment.—Section 3(f) of the Arms Export Control Act is amended by striking out ", credits, and guaranties" and ", credits, or guaranties" each place they appear.

SEC. 504. PROHIBITION ON IMPORTS FROM AND EXPORTS TO LIBYA.

(a) Prohibition on Imports.—Notwithstanding any other provision of law, the President may prohibit any article grown, produced, extracted, or manufactured in Libya from being imported into the United States.

(b) Prohibition on Exports.—Notwithstanding any other provision of law, the President may prohibit any goods or technology, including technical data or other information, subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States, from being exported to Libya.

(c) Definition.—For purposes of this section, the term "United States", when used in a geographical sense, includes territories and possessions of the United States.

SEC. 505. BAN ON IMPORTING GOODS AND SERVICES FROM COUNTRIES SUPPORTING TERRORISM.

(a) Authority.—The President may ban the importation into the United States of any good or service from any country which supports terrorism or terrorist organizations or harbors terrorists or terrorist organizations.

(b) Consultation.—The President, in every possible instance, shall consult with the Congress before exercising the authority granted by this section and shall consult regularly with the Congress so long as that authority is being exercised.

(c) Reports.—Whenever the President exercises the authority granted by this section, he shall immediately transmit to the Congress a report specifying—

(1) the country with respect to which the authority is to be exercised and the imports to be prohibited;

(2) the circumstances which necessitate the exercise of such authority;

(3) why the President believes those circumstances justify the exercise of such authority; and

(4) why the President believes the prohibitions are necessary to deal with those circumstances.

At least once during each succeeding 6-month period after transmitting a report pursuant to this subsection, the President shall report to the Congress with respect to the actions taken, since the last such report, pursuant to this section and with respect to any changes which have occurred concerning any information previously furnished pursuant to this subsection.

(d) DEFINITION.—For purposes of this section, the term "United States" includes territories and possessions of the United States.

SEC. 506. INTERNATIONAL ANTI-TERRORISM COMMITTEE.

The Congress calls upon the President to seek the establishment of an international committee, to be known as the International Anti-Terrorism Committee, consisting of representatives of the member countries of the North Atlantic Treaty Organization, Japan, and such other countries as may be invited and may choose to participate. The purpose of the Committee should be to focus the attention and secure the cooperation of the governments and the public of the participating countries and of other countries on the problems and responses to international terrorism, by serving as a forum at both the political and law enforcement levels.

SEC. 507. INTERNATIONAL TERRORISM CONTROL TREATY.

It is the sense of the Congress that the President should establish a process by which democratic and open societies of the world, which are those most plagued by terrorism, negotiate a viable treaty to effectively prevent and respond to terrorist attacks. Such a treaty should incorporate an operative definition of terrorism, and should establish effective close intelligence-sharing, joint counterterrorist training, and uniform laws on asylum, extradition, and swift punishment for perpetrators of terrorism. Parties to such a treaty should include, but not be limited to, those democratic nations who are most victimized by terrorism.

SEC. 508. STATE TERRORISM.

It is the sense of the Congress that all civilized nations should firmly condemn the increasing use of terrorism by certain states as an official instrument for promoting their policy goals, as evidenced by such examples as the brutal assassination of Major Arthur D. Nicholson, Junior, by a member of the Soviet armed forces.

Part B—Foreign Airport Security

SEC. 551. SECURITY STANDARDS FOR FOREIGN AIR TRANSPORTATION.

(a) SECURITY AT FOREIGN AIRPORTS.—Section 1115 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1515) is amended to read as follows:

"SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

"ASSESSMENT OF SECURITY MEASURES

"SEC. 1115. (a)(1) The Secretary of Transportation shall conduct at such intervals as the Secretary shall deem necessary an assessment of the effectiveness of the security measures maintained at those foreign airports being served by air carriers, those foreign airports from which foreign air carriers serve the United States, those foreign airports which pose a high risk of introducing danger to international air travel, and at such other foreign airports as the Secretary may deem appropriate.

"(2) Each such assessment shall be made by the Secretary of Transportation in consultation with the appropriate aeronautic authorities of the foreign government concerned and each air carrier serving the foreign airport at which the Secretary is conducting such assessment.

"(3) The assessment shall determine the extent to which an airport effectively maintains and administers security measures. In making an assessment of any airport under this subsection, the Secretary shall use a standard which will result in an analysis of the security measures at such airport based upon, at a minimum, the standards and appropriate recommended practices contained in Annex 17 to the Convention on International Civil Aviation, as those standards and recommended practices are in effect on the date of such assessment.

"CONSULTATION WITH THE SECRETARY OF STATE

"(b) In carrying out subsection (a), the Secretary of Transportation shall consult the Secretary of State with respect to the terrorist threat which exists in each country. The Secretary of Transportation shall also consult with the Secretary of State in order to determine which foreign airports are not under the de facto control of the government of the country in which they are located and pose a high risk of introducing danger to international air travel.

"REPORT OF ASSESSMENTS

"(c) Each report to the Congress required by section 315 of this Act shall contain a summary of the assessments conducted pursuant to subsection (a).

"NOTIFICATION TO FOREIGN COUNTRY OF DETERMINATION

"(d) Whenever, after an assessment in accordance with subsection (a), the Secretary of Transportation determines that an airport does not maintain and administer effective security measures, the Secretary (after advising the Secretary of State) shall notify the appropriate authorities of such foreign government of such determination, and recommend the steps necessary to bring the security measures in use at that airport up to the standard used by the Secretary in making such assessment.

"NOTICE AND SANCTIONS

"(e)(1) Paragraph (2) of this subsection shall become effective—

"(A) 90 days after notification to the foreign government pursuant to subsection (d), if the Secretary of Transportation finds that the foreign government has failed to bring the security measures at the identified airport up to the standard used by the Secretary in making an assessment of such airport under subsection (a); or

"(B) immediately upon the Secretary of Transportation's determination under subsection (d) if the Secretary of Transportation determines, after consultation with the Secretary of

State, that a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from such airport.

The Secretary of Transportation shall immediately notify the Secretary of State of any determination made pursuant to subparagraph (B) so that the Secretary of State may comply with the requirement of section 552(a) of the International Security and Development Cooperation Act of 1985 that a travel advisory be issued.

"(2) Subject to paragraph (1), if the Secretary of Transportation determines pursuant to this section that an airport does not maintain and administer effective security measures—

"(A) the Secretary of Transportation—

"(i) shall publish the identity of such airport in the Federal Register,

"(ii) shall cause the identity of such airport to be posted and prominently displayed at all United States airports regularly being served by scheduled air carrier operations, and

"(iii) shall notify the news media of the identity of such airport;

"(B) each air carrier and foreign air carrier providing service between the United States and such airport shall provide notice of such determination by the Secretary to any passenger purchasing a ticket for transportation between the United States and such airport, with such notice to be made by written material included on or with such ticket;

"(C) the Secretary of Transportation, after consultation with the appropriate aeronautical authorities of the foreign government concerned and each air carrier serving such airport, may, notwithstanding section 1102 of this Act and with the approval of the Secretary of State, withhold, revoke, or impose conditions on the operating authority of any air carrier or foreign air carrier to engage in foreign air transportation utilizing such airport; and

"(D) the President may prohibit air carriers and foreign air carriers from providing service between the United States and any other foreign airport which is directly or indirectly served by aircraft flying to or from the airport with respect to which the determination is made under this section.

"(3) The Secretary of Transportation shall promptly submit to the Congress a report (with a classified annex if necessary) on any action taken under this subsection, setting forth information concerning the attempts made to secure the cooperation of the foreign government in meeting the standard used by the Secretary in making the assessment of the airport under subsection (a).

"LIFTING OF SANCTIONS

"(f)(1) The sanctions required to be imposed with respect to an airport pursuant to subsection (e)(2)(A) and (B) may be lifted only if the Secretary of Transportation, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered at that airport.

"(2) The Congress shall be notified if any sanction imposed pursuant to subsection (e) is lifted.

"AUTHORITY FOR IMMEDIATE SUSPENSION OF AIR SERVICE

"(g) Notwithstanding sections 1102 and 1114 of this Act, whenever the Secretary of Transportation determines that—

"(1) a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from a foreign airport, and

"(2) the public interest requires an immediate suspension of services between the United States and the identified airport,

the Secretary of Transportation shall, without notice or hearing and with the approval of the Secretary of State, suspend the right of any air carrier or foreign air carrier to engage in foreign air transportation to or from that foreign airport and the right of any person to operate aircraft in foreign air commerce to or from that foreign airport.

"CONDITIONS OF AUTHORITY

"(h) The provisions of this section shall be deemed to be a condition to any authority granted under title IV or title VI of this Act to any air carrier or any foreign air carrier, issued under authority vested in the Secretary of Transportation.".

(b) CONFORMING AMENDMENTS.—

(1) INFORMATION IN SEMIANNUAL REPORTS.—Section 315(a) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356(a)) is amended by adding at the end thereof the following new sentence: "Each semiannual report submitted by the Administrator pursuant to the preceding sentence shall include the information described in section 1115(c) of this Act.".

(2) CIVIL PENALTIES.—Section 901(a)(1) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1471(a)(1)) is amended by inserting "or 1115(e)(2)(B)" after "1114".

(3) TABLE OF CONTENTS.—That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading

"TITLE XI—MISCELLANEOUS"

is amended by striking out

"Sec. 1115. Security standards in foreign air transportation.".

and inserting in lieu thereof

"Sec. 1115. Security standards in foreign air transportation.

"(a) Assessment of security measures.
"(b) Consultation with the Secretary of State.
"(c) Report of assessments.
"(d) Notification to foreign country of determination.
"(e) Notice and sanctions.
"(f) Lifting of sanctions.
"(g) Authority for immediate suspension of air service.
"(h) Conditions of authority.".

(c) CLOSING OF BEIRUT INTERNATIONAL AIRPORT.—It is the sense of the Congress that the President is urged and encouraged to take all appropriate steps to carry forward his announced policy of seeking the effective closing of the international airport in Beirut, Lebanon, at least until such time as the Government of Lebanon has instituted measures and procedures designed to prevent the use of that airport by aircraft hijackers and other terrorists in attacking civilian airlines or their passengers, hijacking their aircraft, or taking or holding their passengers hostage.

SEC. 552. TRAVEL ADVISORY AND SUSPENSION OF FOREIGN ASSISTANCE.

(a) Travel Advisory.—Upon being notified by the Secretary of Transportation that the Secretary has determined, pursuant to subsection (e)(1)(B) of section 1115 of the Federal Aviation Act of 1958 that a condition exists that threatens the safety or security of passengers, aircraft, or crew travelling to or from a foreign airport which the Secretary of Transportation has determined pursuant to that section to be an airport which does not maintain and administer effective security measures, the Secretary of State shall immediately issue a travel advisory with respect to that airport. Any travel advisory issued pursuant to this subsection shall be published in the Federal Register. The Secretary of State shall take the necessary steps to widely publicize that travel advisory.

(b) Suspension of Foreign Assistance.—The President shall suspend all assistance under the Foreign Assistance Act of 1961 or the Arms Export Control Act to any country in which is located an airport with respect to which section 1115(e)(2) of the Federal Aviation Act of 1958 becomes effective if the Secretary of State determines that such country is a high terrorist threat country. The President may waive the requirements of this subsection if the President determines and reports to the Congress that national security interests or a humanitarian emergency require such waiver.

(c) Lifting Sanctions.—The sanctions required to be imposed pursuant to this section may be lifted only if, pursuant to section 1115(f) of the Federal Aviation Act of 1958, the Secretary of Transportation, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered at the airport with respect to which the Secretary of Transportation had made the determination described in section 1115 of that Act.

(d) Notification to Congress.—The Congress shall be notified if any sanction imposed pursuant to this section is lifted.

SEC. 553. UNITED STATES AIRMARSHAL PROGRAM.

(a) Study of Need for Expansion of Program.—The Secretary of Transportation, in coordination with the Secretary of State, shall study the need for an expanded airmarshal program on international flights of United States air carriers. The Secretary of Transportation shall report the results of this study to the Congress within 6 months after the date of enactment of this Act.

(b) Authority to Carry Firearms and Make Arrests.—The Secretary of Transportation, with the approval of the Attorney General and the Secretary of State, may authorize persons, in connection with the performance of their air transportation security duties, to carry firearms and to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States, if they have reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

SEC. 554. ENFORCEMENT OF INTERNATIONAL CIVIL AVIATION ORGANIZATION STANDARDS.

The Secretary of State and the Secretary of Transportation, jointly, shall call on the member countries of the International Civil Aviation Organization to enforce that Organization's existing standards and to support United States actions enforcing such standards.

SEC. 555. INTERNATIONAL CIVIL AVIATION BOYCOTT OF COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

It is the sense of the Congress that the President—

(1) should call for an international civil aviation boycott with respect to those countries which the President determines—

(A) grant sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(B) otherwise support international terrorism; and

(2) should take steps, both bilateral and multilateral, to achieve a total international civil aviation boycott with respect to those countries.

SEC. 556. MULTILATERAL AND BILATERAL AGREEMENTS WITH RESPECT TO AIRCRAFT SABOTAGE, AIRCRAFT HIJACKING, AND AIRPORT SECURITY.

The Secretary of State shall seek multilateral and bilateral agreement on strengthening enforcement measures and standards for compliance with respect to aircraft sabotage, aircraft hijacking, and airport security.

SEC. 557. RESEARCH ON AIRPORT SECURITY TECHNIQUES FOR DETECTING EXPLOSIVES.

In order to improve security at international airports, there are authorized to be appropriated to the Secretary of Transportation from the Airport and Airway Trust Fund (in addition to amounts otherwise available for such purpose) $5,000,000, without fiscal year limitation, to be used for research on and the development of airport security devices or techniques for detecting explosives

SEC. 558. HIJACKING OF TWA FLIGHT 847 AND OTHER ACTS OF TERRORISM.

The Congress joins with all Americans in celebrating the release of the hostages taken from Trans World Airlines flight 847. It is the sense of the Congress that—

(1) purser Uli Derickson, pilot John Testrake, co-pilot Philip Maresca, flight engineer Benjamin Zimmermann, and the rest of the crew of Trans World Airlines flight 847 displayed extraordinary valor and heroism during the hostages' ordeal and therefore should be commended;

(2) the hijackers who murdered United States Navy Petty Officer Stethem should be immediately brought to justice;

(3) all diplomatic means should continue to be employed to obtain the release of the 7 United States citizens previously kidnapped and still held in Lebanon;

(4) acts of international terrorism should be universally condemned; and

(5) the Secretary of State should be supported in his efforts to gain international cooperation to prevent future acts of terrorism.

SEC. 559. EFFECTIVE DATE.

This part shall take effect on the date of enactment of this Act.

APPENDIX 6

Special
Report
No. 138

Libya Under Qadhafi: A Pattern of Aggression

January 1986

United States Department of State
Bureau of Public Affairs
Washington, D.C.

Character of Libyan Policy

Mu'ammar Qadhafi seized power in a military coup in 1969. Since then, he has forcibly sought to remake Libyan society according to his own revolutionary precepts. Qadhafi's ambitions are not confined within Libya's borders, however. He fancies himself a leader and agent of historic forces that will reorder Third World politics to his taste. His vision provides both a motive and a rationale for providing military and financial aid to radical regimes and for undermining moderate governments by creating or supporting subversive groups and abetting terrorists. Qadhafi's aggressive policies increasingly have focused on undermining U.S. and other Western interests in the Third World, as he sees these as the main barrier to his radical and expansionist goals. Qadhafi's use of political, economic, and military resources in support of anti-Western activities worldwide may be surpassed only by the Soviet Union, its East European allies, and possibly North Korea or Cuba. He is particularly hostile to Israel and the United States. His tactics include a mixture of threats and material support for terrorism, offers of cooperation, economic incentives and intimidation, and outright military aggression.

Libyan Involvement in Terrorism

Qadhafi has used terrorism as one of the primary instruments of his foreign policy and supports radical groups that use terrorist tactics. Tripoli operates numerous training sites for foreign dissident groups that provide instruction in the use of explosive devices, hijacking, assassination, and various commando and guerrilla techniques. It also provides terrorist training outside Libya and abuses diplomatic privilege by storing arms and explosives at its diplomatic establishments, as demonstrated by the shootout at its embassy in London in April 1984.

The main targets of direct Libyan terrorist activities have been expatriate Libyan dissidents and leading officials of moderate Arab and African governments. In almost all cases, the assassins kill their victims with handguns, often provided by the Libyan diplomatic establishment in their country. Qadhafi generally uses Libyans for anti-exile operations; for other types of attacks he tends to employ surrogates or mercenaries.

The Libyan Government in 1980 began a concerted effort to assassinate anti-Qadhafi exiles. By the time the first phase ended in 1981, 11 Libyan dissidents living abroad had been murdered. Libya in 1985 sponsored five attacks against exiled Libyan dissidents. Targets of these attacks lived in Greece, West Germany, Cyprus, Italy, and Austria.

Qadhafi has at least twice tried to murder Libyan exiles in Egypt only to have his agents intercepted by Egyptian security. In November 1984, Egypt fooled Qadhafi into believing that his hired agents had assassinated former Libyan Prime Minister Bakoush. After the Libyan press acknowledged Tripoli's responsibility for the murder, Egypt revealed the sting: the four Libyan agents were in custody, and the pictures of the alleged victim were fake. In November 1985, another four-man Libyan team was arrested during an attempted attack against a gathering of exiles near Cairo. After the arrests, Egypt released audio and video tapes incriminating Libya.

Libya also has plotted anti-exile attacks in the United States. A Libyan exile in Colorado was shot and wounded by a Libyan-hired assassin in 1981. In May 1984, the FBI arrested two Libyans near Philadelphia for attempting to buy silenced handguns—the usual Libyan assassination weapon. A year later, in May 1985, a Libyan diplomat at the United Nations was declared *persona non grata* and a ring of nonofficial Libyans was broken up in connection with a plot to kill Libyan dissidents in four states.

Qadhafi also targets moderate Arab governments for their refusal to continue the military struggle against Israel and for their links to the West. There is evidence of Libyan-backed assassination plots against President Mubarak of Egypt. For example, those arrested after last November's attempted attack on Libyan exiles in Egypt stated that Qadhafi's target list included Mubarak. Former Sudanese President Nimeiri has also been targeted by Libya. We believe that Qadhafi has added Jordan's King Hussein and Iraq's Saddam Husayn to his hit list because of restored ties to Cairo and Washington, respectively.

Qadhafi also has been implicated in plots to assassinate other moderate heads of state. In September 1984, the Chadian Government uncovered a Libyan-sponsored plot in which a briefcase bomb was to explode during a

Cabinet meeting chaired by Chadian President Habre. More recently, Zairian officials thwarted a Libyan sponsored plot against President Mobutu in September 1985.

Libyan Links to Middle East Radicals

Longstanding Libyan support for radical Palestinian groups is growing. Qadhafi has provided safehaven, money, and arms to these groups—including the Popular Front for the Liberation of Palestine-General Command, the Fatah dissidents, and the notorious Abu Nidal group. Training for Palestinians and other radicals frequently takes place at several locations in Libya. These anti Arafat Palestinians are widely engaged in terrorist activities and focus their terrorist activity on Israel and the occupied territories.

More recently, however, Libya's support has broadened to include logistic support for terrorist operations. For example, Libya provided passports to the Abu Nidal members responsible for the attack on the El Al counter in Vienna. The Abu Nidal group is particularly appealing to Qadhafi because of its track record of successful terrorist operations. Abu Nidal's targeting of moderate Palestinians and moderate Arab leaders is consistent with Libya's antipathy toward participants in the peace process. According to Libyan press reports, Abu Nidal met with Qadhafi in Libya at least twice in 1985. Abu Nidal also gave an interview in Tripoli to a German publication last year and met with Qadhafi's chief lieutenant, Abd al-Salam Jallud. In addition, Libya has provided sanctuary, training assistance, and financial support to the Abu Nidal organization, and there are reliable press and other reports that its headquarters has been moved to Libya. The evidence points to Libya's having been involved in the bloody hijacking of Egyptair 648 (see p. 4).

Libya is trying to improve ties to other regional terrorist groups. Qadhafi would also like closer links to Tehran's terrorist effort. He announced a "strategic alliance" with Iran last summer, which he hopes to use as a foundation for joint operational planning for terrorist attacks against various regional foes. He also supports Egyptian and Tunisian dissidents.

Libya also provided refuge for the notorious international terrorist Carlos, who has headed a network of terrorists for hire. His group was responsible for numerous vicious attacks including the hostage-taking of OPEC (Organization of Petroleum Exporting Countries) oil ministers in Vienna in 1975.

Libyan Terrorism Against the United States

During the past 18 months, Qadhafi has made several public references to expanding his terrorism campaign to cover U.S. targets. In a June 1984 speech, for example, he told his Libyan audience that "we are capable of exporting terrorism to the heart of America." During a speech last September observing the 16th anniversary of his takeover, Qadhafi remarked that "we have the right to fight America, and we have the right to export terrorism to them. . . ." Qadhafi recently threatened in a press conference on January 2 to "pursue U.S. citizens in their country and streets" if the United States takes action in response to Libya's alleged involvement in the Rome and Vienna terrorist attacks.

There have been several instances over the years of Libyan-sponsored attacks against U.S. interests. These examples include the sacking of our Embassy in Tripoli in 1979 and the discovery by Sudanese authorities of a Libyan plot to blow up the American Embassy Club in Khartoum by planting explosives in stereo speakers. U.S. personnel also have been on Qadhafi's target list, as indicated by the plan in 1977 to assassinate our ambassador in Cairo.

Radicalism in the Arab World

Qadhafi's foremost ambition is to dominate and unite the Arab world. He frequently compares himself to Garibaldi or Bismarck and has justified his use of violence and terrorism against moderate Arab regimes as necessary to achieve Arab unity.

Egypt, because of its peace treaty with Israel, is a special target. Libyan agents have been active in Egypt since the 1970s, and Qadhafi has offered support to various opponents of the Egyptian Government. In October 1981, immediately after President Sadat was assassinated, Qadhafi called on Egyptians to overthrow their government; within a week, at Cairo International Airport two bombs exploded that had been concealed in luggage unloaded from a flight originating in Tripoli.

More recently, Qadhafi has sought to embarrass the government of President Mubarak and undermine the Egyptian economy. In July 1984, a Libyan ship commanded by a senior Libyan naval commando laid mines in the Red Sea and Gulf of Suez that damaged 18 merchant ships. In May 1985, the Egyptians thwarted a plot by radical Palestinians backed by Libya to destroy the U.S. Embassy in Cairo with a truck bomb. Last summer Qadhafi expelled over 10,000 Egyptian workers in Libya—confiscating their savings and most of their belongings—in what was, in part, an effort to place a greater burden on the strained Egyptian economy. Also during 1985, Cairo captured several teams of Libyan supported Egyptian dissidents who reported that their plan was to destabilize the Mubarak government through sabotage and inciting civil unrest.

Sudan also is a priority target. Qadhafi has long offered training and support to Sudanese dissidents and sponsored acts of sabotage against the government of former President Nimeiri. He was a major source of arms and money for southern Sudanese rebels who began a guerrilla war against the central government 2 years ago. In February 1983, the Sudanese, with Egyptian assistance, thwarted a Libyan sponsored coup attempt, and in March 1984, a Libyan TU-22 bombed Omdurman, Sudan, in a failed attempt to destroy a radio station there that broadcast condemnations of Qadhafi's policies by Libyan oppositionists.

Since Nimeiri's fall from power, Qadhafi has exploited the resumption of diplomatic ties to Sudan to build a network for subversion inimical to Sudan's efforts to establish a parliamentary democracy. A number of known Libyan terrorists have been assigned to the Libyan People's Bureau (Embassy) and the Libyan airline office in Khartoum. Qadhafi also has provided arms, funding, training, and probably direction to the Sudanese Revolutionary Committees, a small group in Sudan dedicated to establishing a government on the Libyan model in Sudan. In May, a planeload of these dissidents arrived in Khartoum armed with assault rifles.

Qadhafi also is working to expand his influence in the countries of the Arab Maghreb. Qadhafi refuses to negotiate with Algeria to determine the correct location of the Libyan Algerian border. Perhaps angered over President Bendjedid's moderation, Qadhafi reportedly provides money to Algerian dissidents such as Ahmed Ben Bella.

In Tunisia, Qadhafi has long sought to bring down the pro-Western government of Habib Bourguiba. In 1980, Libyan supported guerrillas attacked the southern Tunisian mining town of Gafsa. when France offered its support to Tunis, Libyan mobs burned both the French and Tunisian Embassies while security forces stood idly by. Following bread riots in Tunisia in January 1984, saboteurs originating in Libya dynamited a pipeline near the Libyan Tunisian border. In an effort to exacerbate social tensions this past year, Qadhafi expelled over 30,000 Tunisian workers and confiscated their property. In September, when Tunisian newspapers attacked Qadhafi for the expulsions, a Libyan diplomat attempted to mail letter bombs to the critical journalists. Several exploded, wounding two posing pressure and causing Tunis to sever diplomatic relations.

Libya is staunchly opposed to the Middle East peace process, and Qadhafi is doing all he can to subvert it. In Lebanon, Libyan arms and money have flowed to different militias and Palestinian groups actively opposed to the government of President Gemayel. Qadhafi has been especially eager to undermine the influence of PLO (Palestine Liberation Organization) Chairman Yasir Arafat because Qadhafi perceives him as too willing to consider a negotiated settlement with Israel. As a result, Qadhafi has thrown his support to radical Palestinian groups, including the Fatah Revolutionary Council of Abu Nidal, that advocate continued war against Israel. Since 1983 Qadhafi has shipped these groups heavy weapons and munitions as powerful as tanks and BM-21 multiple rocket launchers. In 1983, Libyan troops participated in the Syrian-backed assault on Arafat's forces in northern Lebanon.

The Persian Gulf also is an arena for Libyan meddling. Qadhafi has sided openly with Iran in its war against Iraq and has provided Tehran with Libyan Soviet-made tanks and antiaircraft artillery, munitions, and even Scud missiles. In addition, Libya provides arms and money to Kurdish separatists in northern Iraq and to the antigovernment group, the League of Iraqi Democrats. In 1984 and 1985, Libyan agents attempted to disrupt the Islamic pilgrimage ceremonies in Saudi Arabia; in 1984 entire planeloads of Libyan "pilgrims" were discovered to be carrying arms. Libya continues to enjoy good relations with and has provided support to the National Democratic Front that operates out of Marxist South Yemen against the government of President Salih in North Yemen. Although Libya restored diplomatic relations with Sudan last May, Qadhafi has not severed his relationship with Sudanese opposition groups he has long supported.

Involvement in Sub-Saharan Africa

Tripoli views black Africa as a principal arena for forging a group of anti-Western radical states that will strengthen Libyan influence in international forums and confer upon Qadhafi status as a world leader. Qadhafi's aggressiveness has been strengthened by the propensity of the international community to ignore his often blatant disregard for the sovereignty of small African nations.

Chad, of course, is the most egregious example. In 1973 Qadhafi forcibly annexed the northern portion of Chad known as the Aozou Strip. Throughout the 1970s, Libya supported various tribal and guerrilla groups in Chad in a bid to install a pliable regime in N'Djamena. Having failed to achieve this indirectly, in October 1980 the Libyan army entered Chad and attempted to impose a union between the two countries. The Libyan occupation force withdrew in November 1981 but returned in 1983 when the pro-Libyan Chadian leader Goukouni Oueddei was ousted by current President Hissein Habre. Only intervention by French armed forces confined the Libyan occupation to the northern 40% of Chad. French forces were withdrawn in the fall of 1984, but Qadhafi reneged on an agreement reached with President Mitterrand and continues to occupy northern Chad with an army of several thousand.

The drought-battered countries of the Sahel offer Qadhafi many opportunities for meddling. Qadhafi continues to provide arms and training to the nomadic Tuareg tribesmen in an effort to undermine the Governments of Mali and Niger.

Qadhafi also is determined to topple President Mobutu of Zaire. Qadhafi is motivated by hostility to Kinshasa's close ties to the West, its recognition of Israel, and its support for Chadian President Habre. Qadhafi also is aware of Zaire's role as a leading producer of cobalt and other strategic materials. Tripoli provides training in sabotage and other areas to several different guerrilla groups, including the National Front for the Liberation of the Congo and the Congolese National Movement. Libyan diplomatic facilities in countries bordering Zaire are centers of support for these groups.

Meddling in Latin America and the Caribbean

Qadhafi's determination to strike at U.S. interests and to spread his philosophy of revolution has led to a more aggressive Libyan posture in Latin America. Although many governments and groups in this region are wary of Qadhafi, some are willing to accept his financial and military support.

Tripoli views Nicaragua as its base in Central America and accordingly seeks to strengthen the Sandinista dictatorship in Managua. In addition to several hundred million dollars in economic assistance, Qadhafi's support to the Sandinistas has included antiaircraft guns, SAM-7 surface-to-air missiles and launchers, and small arms. At least several dozen Libyan military personnel are in Nicaragua. Libyan support has enhanced the Sandinistas' ability to subvert neighboring states. In addition, Libya has provided some arms and money to insurgents in Guatemala and El Salvador, as well as the M-19 terrorist group in Colombia. During the past year, Libya has provided training, guidance, and funds to a key far-left terrorist group to enable it to expand armed action against the Government of Chile.

Libyan agents have been increasingly active among the Caribbean islands, especially since the summer of 1984. The loss of its People's Bureau in Grenada following the collapse of the Bishop government in 1983 forced Tripoli to attempt to establish its centers for subversion in other diplomatic posts in the region. Qadhafi also has used religion as a cover for intelligence activities in the area, sponsoring Islamic conferences in which the Libyan participants often are intelligence officers or operatives of the Libyan Revolutionary Committees. Leftist leaders from the Dominican Republic, Dominica, Barbados, Antigua and Barbuda, St. Vincent and the Grenadines, St. Lucia, the French Departments, and elsewhere have also been invited to Libya for "seminars" and paramilitary training. Particularly worrisome is Libyan urging of leftist politicians to undertake violent action rather than pursue legal means to replace moderate governments in the region.

South and Southeast Asia

As elsewhere, Libyan diplomatic missions in this region provide the infrastructure for Libyan subversion, disbursing funds and arranging for the training of leftists and other dissidents.

In South Asia, Libyan activities are focused on the Islamic states. No doubt reflecting his dependence on Russian arms, Qadhafi is one of the few Muslim leaders who does not criticize the Soviet invasion of Afghanistan. Although Libya maintains relations with Pakistan, it has also been involved with the "al-Zulfiqar" terrorist group. Qadhafi, in addition, has provided training and money to opponents of President Ershad of Bangladesh.

In Southeast Asia, Qadhafi concentrates on Muslim minorities. For some time, he has provided paramilitary training to the small Muslim insurgency in southern Thailand. In the Philippines, Libya continues to send assistance to the Muslim Moro separatists on Mindanao, despite a 1976 agreement with Manila to cease such aid. New Caledonia, a French possession in the South Pacific, has no appreciable Muslim population, but Libya has, nevertheless, provided military training and some funding to the Kanak Socialist National Liberation Front, the group responsible for most of the proindependence violence on the island. Libyan intelligence operatives are known to be active on other islands in Oceania.

The Erosion of International Norms

Qadhafi's subversion is not confined to those countries that are the direct object of his ambitions. The international community as a whole suffers from Qadhafi's disrespect for international norms of behavior and accepted practice. Qadhafi has abused diplomatic privileges for terrorist purposes, reneged on international agreements, and has battle-used terrorist violence against political opponents. In addition, Qadhafi's support of terrorism, regardless of his direct operational involvement in a given terrorist act, helps legitimize terrorism as an acceptable political activity.

THE ABU NIDAL GROUP

The Abu Nidal group is among the most dangerous of the Middle Eastern terrorist organizations. It is probably the best organized and most effective of the radical Palestinian terrorist groups, carefully planning its operations and keeping its information tightly compartmented.

The group has repeatedly demonstrated its ability to operate in any country it chooses. It has staged attacks in over 20 countries on three continents and operates throughout the Middle East.

Abu Nidal has conducted over 60 terrorist attacks during the last 8 years, at least 30 of them since the beginning of 1984. Two-thirds of the group's nearly 20 attacks this year have taken place in Western Europe, as innocent bystanders increasingly have become casualties of the group's assaults.

- The simultaneous attacks on airline offices in Rome and Vienna on December 27, which have the hallmarks of Abu Nidal, left more than a dozen dead, including five Americans. Three of the passports used in the Vienna attacks were traced to Libya; two were seized from Tunisians as they were expelled from Libya last summer, and the third was lost in Libya by a Tunisian worker there in 1977.
- The Egyptian hijacking in late November ultimately cost the lives of 59 passengers.
- The group bombed the British Air office in Rome in September, injuring 15 persons, many of them passersby.
- Abu Nidal members threw grenades at Rome's Cafe de Paris in September, injuring 38 tourists—among them Americans, Germans, British, Italians, Argentines, and Brazilians.
- The group bombed two hotels in Athens—one in September that injured 19, mostly British tourists, and one in August that injured 13 Britons.
- In Spain, Abu Nidal attacks in July at the British Air office and the nearby Alia ticket office killed one and wounded 24 customers and employees.
- Also in July, the group was probably responsible for the bombing of two restaurants in Kuwait, killing eight and injuring almost 90.
- In April, an Abu Nidal terrorist fired a rocket at a Jordanian airliner as it was taking off from Athens airport. The rocket hit the plane but did not explode. Hundreds of casualties might have resulted had the operation been successful.

The official name of the Abu Nidal organization is "Fatah—the Revolutionary Council," which it usually employs when attacking Israeli targets. But it has employed a number of cover names for its operations. Originally, the group operated under the name Black June. More recently, the group has used the name Arab Revolutionary Brigades when it staged attacks against Persian Gulf targets. It also uses Black September when it attacks Jordanian and Palestinian targets and employs the name Revolutionary Organization of Socialist Moslems (ROSM) as a cover name for attacks against British targets. It added Egyptian Revolution to its aliases when it hijacked the Egyptian plane in November.

Background

The group, which is headed by Sabri al-Banna (who uses the nom de guerre Abu Nidal), grew out of elements that broke away a decade ago from PLO Chairman Arafat's Fatah organization. The group is committed to the use of violence to destroy diplomatic efforts designed to reconcile Israel and the Arab states, especially those mounted earlier this year by King Hussein and Arafat's PLO. The Abu Nidal group also calls for the destruction of ruling "reactionary" regimes such as Jordan, Egypt, and the Persian Gulf states and is critical of what it sees as Arafat's and the PLO's moderation and lack of revolutionary fire and zeal. Consequently, the group contends that both inter-Arab and intra-Palestinian terrorism are needed to force the all-embracing Arab revolution which, in turn, would lead to the liberation of Palestine.

The group was formed in 1974 after Arafat instituted a ban on PLO involvement with international terrorism outside Israel and the occupied territories. Abu Nidal's radical views found favor at the time with the Iraqi regime, which helped him to create the organization that Abu Nidal called Fatah—the Revolutionary Council to promote his claim that his organization, rather than the one led by Arafat, was the legitimate Fatah. He has similarly duplicated other Fatah organizational titles to suggest a parallel structure with the original.

Beginning in the early 1980s, Baghdad suppressed activities of the Abu Nidal group out of Iraq. Elements of the group then moved to Damascus. Since early 1984, Libya began to provide increased support to the group, and Abu Nidal himself and many of the group's operatives may have moved there within the last 12 months.

The group probably has several hundred members, although an accurate count is difficult. We believe the group has a number of cells throughout Western Europe and the Middle East and makes use of the large number of Palestinian students studying abroad, sometimes recruiting them as operatives after only perfunctory training. These recruits, for example, were involved in the four grenade attacks staged by the group in 1985.

Current Operations and Trends

Based on the style of Abu Nidal attacks, it is evident that the group is willing to cause indiscriminate casualties. Apart from assassinations of particular individuals, Abu Nidal operations through November 1985 resulted in nearly 70 deaths and 241 wounded among innocent bystanders—and the number could have been much higher if the Jordanian airliner attack in Athens had been successful. In the previous year, 111 died in the crash of a Gulf Air jet on which an Abu Nidal bomb may have exploded.

The Abu Nidal group has concentrated on attacking Jordanian interests since 1984. These attacks were provoked by the Jordanian agreement to host the PNC (Palestine National Council) meeting in November 1984 and King Hussein's February accord with Arafat to restart the stalled Middle East peace process. Abu Nidal operatives are thought to have assassinated former West Bank mayor and Palestinian moderate Fahd Qawasmeh in December 1984 shortly after his election to the PLO Executive Council. The anti-Jordanian PLO campaign has not abated. As long as Jordanian and PLO efforts toward Middle East peace negotiations continue, attacks against both Jordanian and Palestinian targets probably will also continue.

Aside from the attack on Alia offices in Madrid in July and the attempt to down a Jordanian airliner over Athens in April, other incidents involving Jordanian targets in 1985 have included:

- The November 24 assassination of a Palestinian in Amman.
- The murder of a Jordanian publisher in Athens in September.
- A plot to assassinate the Jordanian Ambassador to Greece in August.

- The murder of a Jordanian diplomat in Ankara on July 24; and
- A rocket attack on the Jordanian Embassy in Rome in April.

The group has also targeted British interests. ROSM claimed responsibility for the kidnapping in March 1985 of a British journalist in Lebanon and the assassination of British diplomats in India and Greece in 1984. The purpose of the attacks probably is to force the United Kingdom to release group members imprisoned for the attempted assassination of the Israeli Ambassador in London in June 1982.

Even before the recent attacks on the Vienna and Rome airports, Abu Nidal had begun to concentrate his field of operations in Western Europe. Although his targets have been his usual enemies—for example, British, Israeli, moderate Arabs—he has become very indiscriminate about injuring bystanders. The relatively relaxed conditions in West European countries have been conducive to his operations there. The pattern of concentrating his efforts in Europe has coincided with the strengthening of his links to Libya. The likelihood of Libyan financing, safehaven, and logistic assistance should be very helpful to his future international terrorist operations.

CHRONOLOGY OF LIBYAN SUPPORT FOR TERRORISM 1980-85

1985

December	Italy, Austria	Passports used by Abu Nidal terrorists in attack on El Al counter provided by Libya.
November	Malta	Hijacking of Egyptian airliner by Abu Nidal supporters may have involved Libyan support.
	Egypt	Four-man team of Libyan agents arrested shortly before attempting to attack gathering of Libyan exiles. Former Libyan Prime Minister Bakoush was the main target.
October	Greece	Libyan merchant wounded in Athens by two gunmen; the victim had left Libya 5 years earlier.
September	Tunisia	Libyan diplomat smuggles about 100 letter bombs addressed to journalists into Tunisia. Several explode, injuring two postal workers and causing Tunisia to sever diplomatic relations.
May	United States	A Libyan diplomat at the United Nations was declared persona non grata, and 16 nonofficial Libyans were subpoenaed to appear before a U.S. grand jury in connection with a plot to kill dissidents in several different states.
April	West Germany	Moroccan citizen resident in the F.R.G. since 1960 killed by a Libyan, who was arrested at the scene.
		Anti-Qadhafi Libyan student killed in Bonn by Libyan gunman who was arrested. The assassin also wounded two German passersby, one seriously. The victim had been a target of the Libyan regime for at least 2 years.
	Cyprus	Libyan businessman assassinated in downtown Nicosia by an unidentified gunman. The victim was the director of an offshore trading company and was believed to be an opponent of the Libyan regime.
March	Italy	Libyan jeweler murdered in his shop in Rome. A silencer-equipped pistol was left at the scene by the assassin.
February	Austria	Former Libyan Ambassador to Austria severely wounded by two shots fired from a car outside his home in Vienna. The victim had supported Qadhafi's seizure of power in 1969, but he quit his post in disgust at the regime in 1980.

1984

November	Egypt	President Mubarak announces that four assassins sent to Egypt by Libya to kill former Libyan Prime Minister Bakoush had been arrested and forced to send fake pictures to the Libyan Embassy in Malta showing Bakoush apparently dead. Official Libyan press sources then claimed Bakoush had been executed by suicide squads sent abroad "to liquidate enemies of the revolution."
September	Italy	A Libyan exile was found gagged and strangled in a hotel in Rome. The victim had been the subject of Libyan requests for deportation to Libya.
	Chad	Chadians discover plot to assassinate President Habre with an attache case bomb. Evidence of the plot, including photographs of the bomb, was provided to the United Nations the following February when Chad lodged a complaint against Libya.
August	United Kingdom	One of six Libyans awaiting trial for bomb attacks in London in March 1984 found shot to death in a London apartment. The victim may have been silenced by the Libyan Government.
	Belgium	A bomb wrecks a car parked in front of the Zairian Embassy in Brussels.
July	Belgium	A bomb exploded in the Brussels office of Air Zaire.
	Red Sea	Libya mined the Red Sea, damaging 18 merchant ships of varying nationalities.
	Greece	Two Libyan students found murdered in their apartment in a crime reminiscent of Libyan killings of anti-Qadhafi students in 1980 and 1981. The two were beaten, strangled, and gagged before being shot twice in the back.
June	Greece	Anti-Qadhafi Libyan editor of an Arab newspaper in Athens killed by two men on a motorbike.
June (cont.)		A Libyan-born citizen known to distribute anti-Qadhafi literature at his store shot by a Libyan employee of Libyan Arab Airlines.
May	Libya	Jana, the official Libyan news agency, announces "the Libyan masses have decided to form suicide commandos to chase traitors and stray dogs wherever they are and liquidate them physically."
April	United Kingdom	A bomb hidden in an unclaimed suitcase probably unloaded from a Libyan airliner explodes at London's Heathrow Airport, injuring 25.
	Libya	A number of British subjects in Libya arrested on trumped-up charges as hostages in order to pressure British Government during siege of Libyan People's Bureau in London.
	United Kingdom	British policewoman killed and 11 anti-Qadhafi demonstrators wounded by gunfire from London Libyan People's Bureau. After a siege, British authorities found weapons and spent shell casings in the vacated embassy.
March	United Kingdom	Four bombs explode in London and Manchester near homes of Libyan exiles or at businesses frequented by them. Over 25 people injured. Three other bombs defused. Nine Libyan suspects arrested.
	Sudan	One Libyan TU-22 bomber drops bombs on Omdurman, Sudan, site of a radio transmitter used by anti-Qadhafi oppositionists.
February	Libya	Following annual Libyan General People's Congress, the Libyan Revolutionary Committees announce that all Libyan exiles must return to Libya or face "the death penalty."
		Libyan authorities take no action while a mob burned the Jordanian Embassy in Tripoli.
	Congo	Chadian dissidents ready to negotiate with Government of Chad threatened in Brazzaville, Congo.

1983

August	Burkina	Libya gave material support to coup in Burkina
July	Chad	Libya invaded Chad for the second time. Occupation continues into 1985.
June	West Germany	Eight Libyan students in West Germany, all members of an anti-Qadhafi group, complain Libyan agents are harassing and threatening them.
February	Libya	Libyan General People's Congress warns all Libyans in exile to return home or face the "anger of the Libyan people."

1982 No incidents known

1981

November	Sudan	Several bombs explode near government installations in Khartoum
October	Sudan	Planned assassination of visiting Chadian official, Hissein Habre, failed when those sent to conduct the operation surrendered.
	Egypt	Two bombs explode in luggage being unloaded from a plane coming from Libya via Malta
August	Libya	Two Libyan SU-22s that fired at U.S. Navy F-14s over Gulf of Sidra shot down.
July	United States	Anti-Qadhafi Libyan student killed in Ogden, Utah
June	Sudan	Bomb explodes in front of Chadian Embassy in Khartoum
February	Italy	Libyan gunmen open fire on passengers arriving at Rome's airport on a flight from Algiers. Prominent anti-Qadhafi exile was the target.

1980

November	United Kingdom	Anti-Qadhafi Libyan student brutally murdered in London.
		Two children of an anti-Qadhafi Libyan poisoned by eating peanuts containing thalium.
October	Chad	Libyan forces occupied Chad. Qadhafi attempted to force a Libyan-Chadian union.
	The Gambia	Libyan subversion in The Gambia caused break in relations. Senegalese troops intervene under a mutual defense treaty.
June	Italy	Anti-Qadhafi exile wounded in Rome.
		Libyan exile killed in Milan within hours after expiration of a deadline set by Qadhafi for all Libyan exiles to return home.
May	Italy	Libyan exile shot at in Rome. The arrested Libyan gunman says he was sent by Libya "to kill an enemy of the people."
May (cont.)	Greece	Libyan exile killed in Athens. His throat was slit.
	Italy	Libyan businessman found strangled to death in Rome.
	West Germany	Libyan exile gunned down in Bonn.
	Italy	Libyan exile killed in Rome by two gunshots to the head.
April	United Kingdom	Libyan lawyer shot and killed in London.
	Italy	Well-known Libyan businessman killed. The arrested assassin said the victim was an enemy of Col. Qadhafi.
	United Kingdom	Two gunmen kill an anti-Qadhafi Libyan journalist.
February	Libya	Tunisian and French Embassies in Tripoli sacked and burned by a mob while Libyan authorities took no action.

(Continued on page 8)

1979

December	Libya	An estimated 2,000 Libyans set fire to the U.S. Embassy in Tripoli. The Libyan authorities did not respond to requests by the Embassy for protection.	November	West Germany	Two Libyans arrested with three suspected Palestinians for an unspecified terrorist operation.

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United States Department of State
Washington, D.C. 20520

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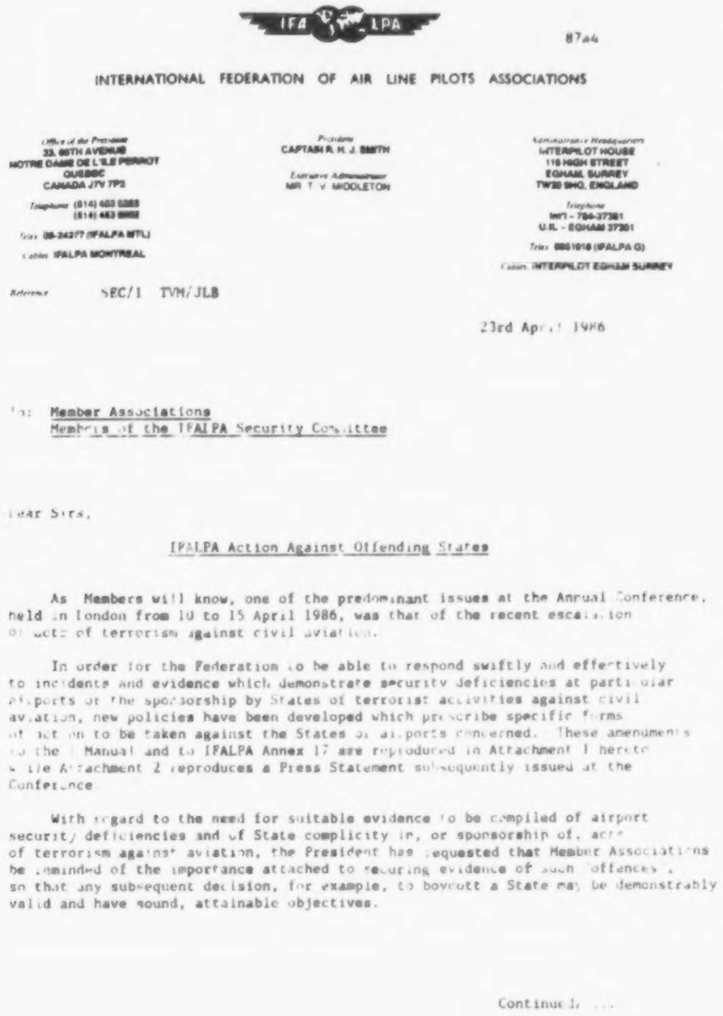
APPENDIX 7

INTERNATIONAL FEDERATION OF AIR LINE PILOTS ASSOCIATION RESOLUTION TO BOYCOTT TERRORIST NATIONS AND UNSAFE AIRPORTS



87a4

INTERNATIONAL FEDERATION OF AIR LINE PILOTS ASSOCIATIONS

Office of the President
23, 66TH AVENUE
NOTRE DAME DE L'ILE PERROT
QUEBEC
CANADA J7V 7P2

Telephone (514) 453 0283
(514) 453 [illegible]

Telex 05-24277 (IFALPA MTL)

Cables IFALPA MONTREAL

President
CAPTAIN R. H. J. SMITH

Executive Administrator
MR. T. V. MIDDLETON

Administrative Headquarters
INTERPILOT HOUSE
116 HIGH STREET
EGHAM, SURREY
TW20 9HQ, ENGLAND

Telephone
Int'l - 784-37301
U.K. - EGHAM 37301

Telex 8951918 (IFALPA G)

Cables INTERPILOT EGHAM SURREY

Reference SEC/1 TVM/JLB

23rd April 1986

To: Member Associations
Members of the IFALPA Security Committee

Dear Sirs,

IFALPA Action Against Offending States

As Members will know, one of the predominant issues at the Annual Conference, held in London from 10 to 15 April 1986, was that of the recent escalation of acts of terrorism against civil aviation.

In order for the Federation to be able to respond swiftly and effectively to incidents and evidence which demonstrate security deficiencies at particular airports or the sponsorship by States of terrorist activities against civil aviation, new policies have been developed which prescribe specific forms of action to be taken against the States or airports concerned. These amendments to the [illegible] Manual and to IFALPA Annex 17 are reproduced in Attachment 1 hereto while Attachment 2 reproduces a Press Statement subsequently issued at the Conference.

With regard to the need for suitable evidence to be compiled of airport security deficiencies and of State complicity in, or sponsorship of, acts of terrorism against aviation, the President has requested that Member Associations be reminded of the importance attached to securing evidence of such "offences", so that any subsequent decision, for example, to boycott a State may be demonstrably valid and have sound, attainable objectives.

Continued ....

8716
23.4.86

Continued/ ...

Accordingly, all Member Associations are requested to forward to this Office, for the purposes of the Principal Officers, any evidence which may be available to them of current or future airport security deficiencies or State sponsorship of attacks against aviation, which may assist in the determination of appropriate measures to be taken by the Federation in this connection.

Yours faithfully,

T.V. Middleton
Executive Administrator

Reference: SEC/1 TVM/JLP

Attachment 1 to 87a4
23rd April 1986

IFALPA ACTION AGAINST STATES

Reference

IFALPA I Manual,
Chapter 6,
para. 6.4
(cf. to IFALPA
Annex 17,
Chapter 1,
para. 1.4)

ADD to para 6.4 of the I Manual. (and c.f. Annex 17 Part I, Chapter 1, para. 1.4.) the following POL-STATs

POL STAT 1

> "6.4.5 Where an airport has inadequate security facilities and hijackers board an aircraft or sabotage is initiated from that airport, then the Principal Officers, after consultation with relevant Member Associations, are authorised to call on all Member Associations to cease airline operations for a defined period not exceeding 24 hours if the relevant authorities do not within 7 days give satisfactory commitments to rectify the inadequate security arrangements at that airport. Further the Principal Officers, after consultation with relevant Member Associations, are authorised to call on Member Associations to cease operations for a defined period not exceeding 48 hours if the above commitments are not honoured within a time period deemed reasonable by the Principal Officers.

POL-STAT 2

> 6.4.6 Where hijackers, saboteurs and/or those who commit other unlawful acts against the safety of civil aviation are given sanctuary at an airport or by a country, the Principal Officers, after consultation with relevant Member Associations, are authorised to call on all Member Associations to cease airline operations to that airport or any airports of that country for a defined period not exceeding 14 days. Sanctuary does not include the provision of intransit facilities during the hijack.

POL-STAT 3

> 6.4.7 It is recognised that certain States' legislation precludes action of this type. Should pilots or Member Associations taking action in accordance with the above IFALPA Policy be threatened with legal or other punitive measures, IFALPA should declare the State in which such measures are taken an Offending State."

Attachment 1 to 87a4
23.4.86

Reference

ADD to para. 6.4.2 (b) the word "sponsors" as follows:

"6.4.2 An Offending State for the purpose of this policy is a State which:

a) .... the 1971 Montreal (Sabotage) Convention, or

b) commits, sponsors or actively assists in the committing of an attack on civil aviation, or" — POL-STAT 4

ADD new sub para h to para 6.4.2, as follows:

"h) causes legal or other punitive measures to be taken against pilots or Member Associations as defined in paragraph 6.4.7." — POL-STAT 5

IFALPA

Attachment 2 to 87a4
23rd April 1986

INTERNATIONAL FEDERATION OF AIR LINE PILOTS ASSOCIATIONS

Office of the President
33, 68TH AVENUE
NOTRE DAME DE L'ILE PERROT
QUEBEC
CANADA J7V 7P8
Telephone (514) 453 9259
(514) 453 9902
Telex 05-24277 (IFALPA MTL)
Cables IFALPA MONTREAL

President
CAPTAIN R. H. J. SMITH
Executive Administrator
MR. T. V. MIDDLETON

Administrative Headquarters
INTERPILOT HOUSE
116 HIGH STREET
EGHAM, SURREY
TW20 9HQ, ENGLAND
Telephone
Int'l – 784-37361
U.K. – EGHAM 37361
Telex 8951918 (IFALPA G)
Cables INTERPILOT EGHAM SURREY

Reference:

FOR RELEASE AT 2.00 P.M.
April 15, 1986

World Pilots Federation Authorizes Boycotts of Terrorist Nations and Unsafe Airports

LONDON - The airline pilots of the world have given the officers of their international federation the power to boycott nations that encourage terrorism and airports that do not have adequate security.

The action of the International Federation of Air Line Pilots Associations (IFALPA) was announced in London today by IFALPA President Captain R.H.J. Smith. IFALPA is an organization of air line pilots associations from 60 nations and represents 60,000 pilots.

Captain Smith's statement follows:

> In response to the increasing number and severity of terrorist acts against civil aviation, the airline pilots of the world have united to fight the common enemy of organized international terrorism. We will seek to stop airline flights to and from any country that encourages terrorism against civil aviation or harbours such terrorists. By Resolution passed today by the full

Conference of IFALPA, our Principal Officers were empowered to call on all Member Associations to cease airline operations at any airports of a nation that promotes unlawful acts against civil aviation.

Boycott action also will be taken against airports that continue to operate without adequate security. To accomplish this, the IFALPA Principal Officers have been given the power to call on all Member Associations to cease airline operations at an airport for up to 24 hours if the relevant authorities do not, within seven days, give satisfactory commitments to rectify the security problems. If authorities do not honour these commitments within a reasonable amount of time, the Principal Officers will call on Member Associations to conduct a two-day boycott of flight operations at the airport.

The world's airline pilots realize that there is no simple or single-handed solution to the problem of international airport security and terrorism against civil aircraft. We will not, however, do nothing while our passengers, crewmembers, and aircraft are threatened. The theme of this Conference has been "No More". IFALPA will accept "no more" acts of terrorism against civil aircraft and we are bringing that message to the world.

I plan to meet in the near future with the Secretaries General of both the United Nations and the International Civil Aviation

Attachment 2 to 87a4
23.4.86

Organization, and with other international aviation officials including the Secretary General of the Arab Civil Aviation Council. I will attempt to gain their support for our actions and get them to join our movement to improve airport security and stop terrorist attacks on innocent civil aircraft. In addition, the delegates to this Conference will return to their respective countries to advise their governments of our new policy and enlist their support. We will also call on other international labour unions to support our attempts to isolate terrorist nations and dangerous airports.

Together the airline pilots, other workers, international aviation organizations, and governments will be a formidable voice saying "no more" to those who would harm civil aircraft.

Thank you.

APPENDIX 8

LETTER FROM ASSOCIATION OF FLIGHT ATTENDANTS TO HON. DONALD D. ENGEN, FEDERAL AVIATION ADMINISTRATION

association of flight attendants AFL-CIO
1625 MASSACHUSETTS AVENUE, N.W. WASHINGTON DC [illegible] 202 328-5400 [illegible]

April 14, 1986

Honorable Donald D. Engen
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, DC 20591

Dear Admiral Engen:

As a representative of 23,000 flight attendants at 15 U.S. carriers, we would like to bring to your attention three security areas that deserve your personal attention. Because these three areas involve failings in the U.S. security program which do not need to be broadcast to the public, we are limiting distribution of copies of this letter to the Office of the Secretary, the FAA, the Chairmen and Ranking Minority Members of the Senate and House Aviation Subcommittees, and ALPA.

The first area of concern involves the new eight-hour initial security training program that all crewmembers are receiving this year. This training, as we will explain below, has turned out to be largely ineffective, and, in some senses, counterproductive. The second area involves a recent decision by the FAA, made at the request of the airlines, to reduce the number of flight attendants required during the boarding process. This decision, which allows many planes to be fully boarded with only one flight attendant on board, greatly strengthens the hands of potential hijackers and terrorists. The third area involves the long delay in the issuance of an NPRM on carry-on baggage, and reports that the proposed rule has been seriously weakened already.

SECURITY TRAINING

After the TWA tragedy, the FAA announced that all crewmembers would receive eight hours of initial security training within one year. While this was clearly a noble idea filled with good intentions, the reality of what has transpired falls far short of any reasonable goal. From what we have learned from FAA officials, the Air Transport Association patched together over five hours of FAA videotapes, most of them old, and a study book. This "training program" was submitted to the FAA, which approved it. ATA now sells the 12 videotapes to the carriers for a few hundred dollars. The resulting program is a cheap one, in all possible usages of the word.

◆

As a result, some 50,000+ flight attendants in the United States are being forced to sit through a full day of videotapes, many of which are outdated and many of which they have already seen. As a general rule, there is no live teacher and no opportunity for questions. There is almost nothing in the films about terrorism. Much of the information is only partially relevant. The level of boredom, by all accounts, is acute and overwhelming. The training program is simply not working.

Although portions of the written materials received high marks from some members, much of it was only statistical data. For example, flight attendants were asked to read the "Report to Congress on the Effectiveness of the Civil Aviation Security Program", a semiannual bureaucratic report filled with statistics ("almost 6 billion persons have been screened and over 7.4 billion carry-on items have been inspected"). Reading this document, which might normally go into the "read later on" file of Congressional staffers, is at best a painful experience after watching five hours of tapes.

We find the whole training program tragic -- tragic because improved security training is needed; tragic because the crewmembers had very high hopes about it; and tragic because in the future crewmembers may turn a deaf ear toward the government when it has something to say about security.

here are a few of the complaints we have received:

> What the company did was a disgrace and a waste of time and I feel cheated. I didn't learn a thing. I may be in that circumstance someday, and I will not be ready for it other than from my own common sense.
>
> Flight Attendant (F/A)
>
> The FAA needs to hire a source to come up with a program that offers useful information in an interesting manner. These videotapes are old, out of date and boring. The useful information could have been presented in 45 minutes.
>
> F/A
>
> It is my belief that by using old hijacking tapes we have been lulled into believing that terrorists will act like the old "take me to Cuba" hijacker.
>
> F/A
>
> This would have been a wonderful opportunity to do some quality training in a much needed area. Instead, we were required to attend a haphazard program - designed to meet minimun FAA requirements - and not our requirements should we ever encounter a terrorist situation.
>
> F/A

> Yesterday's group. . .had about ten years of seniority. . . and quite frankly, they were openly angry and insulted at the waste of their time. . .
>
> As you have heard from many of the (safety) representatives, there is no new material presented in these tapes. There is some valid review. . . I have watched this presentation with the classes for the better part of two months now, and I am very familiar with the contents of the tapes. Of the twelve tapes, possibly (three) were made for this program and they are the worst in terms of delivery, lack of pertinent information, and general interest level. The training has become an industry-wide joke; it's only value is that it gives us all a feeling for being held captives for several hours. If the public seems to be getting a feeling of security from knowing that all U.S. crews are doing this training, it is a false one.
>
> F/A Responsible for Monitoring Classes

> I was the class monitor for the security training. . . Thusly, I was able to observe the flight attendants and receive their input on the program. The majority of the comments regarding the training have been negative. No one has felt that they have received any training from this program that will assist them with, or prepare them for, a terrorist hijacking.
>
> I feel that our airline's attitude toward the mandated security training program made it a virtually worthless experience for the majority of our flight attendants. There were some problems with the program: (1) material was repetitive; (2) only videotapes were used; (3) no provisions were made for interaction with the materials and no test for absorption. . . . In my opinion, the most unfortunate result is that the airlines gave an unmistakable message to flight attendants which was, "We care nothing about security or training."
>
> I feel the airlines are setting a dangerous precedent for all of their future training efforts.
>
> F/A Responsible for Monitoring Classes

We have expressed our criticism of the program to your staff on several occasions. The essence of their response has been two-fold: (1) there were time pressures in putting the program together; and (2) they cannot tell the carriers how to train; they can only approve or disapprove the programs. We agree that there were considerable time pressures in putting together this program, but it turns out that this is a case where haste clearly made waste, and it might be better at this point to stop the initial training and revise it before any more classes go through it. We would be more than happy to help in upgrading the program, although the solutions seem obvious: (1) more about terrorism;

(2) use of actual instructors with an opportunity for questions and perhaps role-playing; and (3) updating, editing, and restricting use of videos. The FAA should not have approved a training program without these elements, and should not continue to do so.

The most disturbing thing we have learned recently is that in the recurrent training programs, which are to follow this initial training program, some of the same videos are being shown again (at least at one of our carriers). There is no "time" excuse at this point for a poorly prepared recurrent training program.

Simply requiring an eight-hour program on security may have heightened flight attendants awareness of the security problem. But it has also heightened their awareness of how poor the security training programs really are. If the government wants the respect and the ear of the flight attendant community in the security area, drastic changes in the training are necessary.

NUMBER OF FLIGHT ATTENDANTS ON THE PLANE DURING BOARDING

Another security concern we have involves a recent decision by the FAA to reduce by one-half, and sometimes more, the number of flight attendants required during the boarding process. According to your staff, the airlines can now use one flight attendant, instead of the regular complement of three, to fully board an aircraft with 150 seats. Similarly, an aircraft with 250 seats can be boarded with only two flight attendants instead of the regular complement of five. We think these reductions make it much easier to hijack an aircraft, and we cannot understand why DOT would increase security training eight-fold while not requiring flight attendants to actually be on the aircraft.

How did this situation come about? There has long been some ambiguity as to how many flight attendants are required during the boarding process at intermediate stops. This is because there is a general rule that there must be one flight attendant per 50 seats, along with a limited exception: When the passengers have left the plane at an intermediate stop, you can reduce the crew by one-half (rounding down to whole numbers). Thus, it is routine to have only one flight attendant on board during a long wait at an intermediate stop where, generally, only some passengers remain on board. What the general rule and the limited exception do not address "head on" is how many flight attendants are required when boarding begins at the intermediate stop, and the aircraft fills up.

On February 8, 1985, the Air Transport Division of the FAA asked the Chief Counsel's office to issue an interpretation clarifying the requirement that all flight attendants must be on board during boarding. According to the division, "During the boarding and deplaning process, a number of activities are in progress which could interfere with an evacuation and could require the presence of more flight attendants than (the reduced crew)." On May 14, 1984, the Chief Counsel's office announced its agreement, and issued an interpretation requiring a full crew on board during boarding at intermediate stops.

Shortly after the interpretation was issued, the Air Transport Association began lobbying the FAA to back down from its interpretation. Faced with the inconvenience of waiting for the full crew before boarding, the airlines decided to try and convince the FAA that it did not understand its own regulations when it interpreted them.

Subsequently, the FAA has backed down from its interpretation and has announced that it will refuse to enforce it. As a result, reduced crews are being used to board aircraft at intermediate stops. In addition, reduced crews are being used to board aircraft at originating airports even though there is no plausible legal excuse for doing so.

We believe that the boarding of aircraft with reduced crews provides a golden opportunity for hijackers. One flight attendant at the front of an airplane makes it easier for hijackers to get on the plane with weapons or explosives, prepare their weapons, and execute the hijacking. This is particularly true since the lone flight attendant will be extremely busy with tickets, baggage, and other passenger requests. Should the plane be hijacked, the chances of successfully resolving the hijack are diminished. For example, one of the keys to success in such a situation is the management of the passengers, and, to the degree possible, the hijackers. At a ratio of one flight attendant per 150 passengers, the ability to manage the situation greatly decreases.

Last year we met with your staff to discuss this matter. Your staff seemed to agree that this issue needed to be reexamined on the merits, and promised that rulemaking would take place shortly in order to obtain further comments on and consideration of the issue. We have seen no movement in this area, which is disappointing since this is not a complex technical issue. Based on past experience, our guess is that it might take two years for a final rule clarifying this issue.

We respectfully suggest that this is a problem that demands an immediate solution, and we encourage you to consider solving this problem through an emergency final rule.

CARRY-ON BAGGAGE

We were extremely pleased last July when the FAA announced that for security reasons, a proposed carry-on baggage rule was on a fast track at the FAA, and a proposal might be issued with an abbreviated 45-day comment period. Over 245 days have now passed since that announcement was made, and no NPRM has been issued.

It is our understanding that the proposal has been up to the Secretary's office at least once, and, as a result, has been considerably modified and delayed. In our view, it is a mistake for the Secretary's office to modify proposed FAA regulations, since the FAA is, by most accounts, adequately solicitous of the views and needs of the carriers. We were deeply disappointed, for example, to read the enclosed memo from DOT to FAA concerning flight and duty time (see enclosure 1). Although this memo has to do with another subject, it illustrates the negative impact that those outside the FAA can have on an issue within the expertise of the FAA.

In our view, it makes more sense for the FAA to issue a strong and effective baggage proposal and then modify it if legitimate public comment warrants it. To ensure that proposed rules are already as acceptable as possible to the carriers leads to ineffective rulemaking, particularly since final rules tend to be less rigorous than proposed rules.

We thank you for your consideration of these three security issues. As always, we are grateful for your interest in cabin safety issues.

Sincerely,

Linda A. Puchala

Linda A. Puchala
President

LAP/lfg
Enclosure
cc: Honorable Nancy Kassebaum
Honorable J. James Exon
Honorable Norman Y. Mineta
Honorable John Paul Hammerschmidt
Honorable Elizabeth H. Dole
Mr. Anthony J. Broderick
Mr. Billie Vincent
Mr. Thomas Ashwood

cc: ETE

U.S. Department of Transportation
Office of the Secretary of Transportation

Memorandum

Subject Flight and Duty Time Restrictions for Flight Attendants

Date DEC 23 1985

From Jim J. Marquez
General Counsel

Reply to Attn of Sam Podberesky, C-50
426-4723

To E. Tazewell Ellett
FAA Chief Counsel

My staff advises me that work has begun within the FAA on the development of a notice of proposed rulemaking (NPRM) that would propose the initial establishment of flight and duty time restrictions for airline flight attendants. We understand that the rulemaking project has been assigned a high priority for completion.

We expect that the NPRM will be extremely controversial. The airline industry would surely argue that the issue of work hours for flight attendants is solely a labor-management issue. Although an argument can be made that over-tired flight attendants might not be able to carry out their safety responsibilities at full efficiency, there are many -- and OMB staff have informally advised us that they may be among them -- who would contend that the safety impact of such occurrences would not warrant, what might be, costly rules.

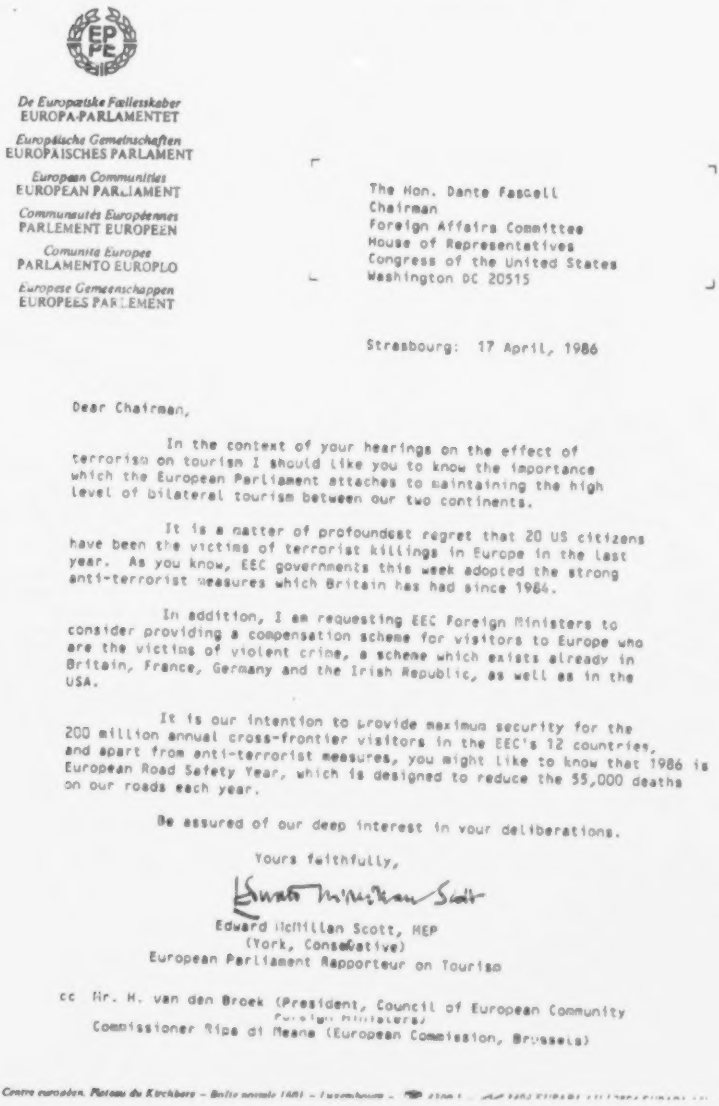
Because of the issues involved and since considerable agency resources may be used on the development of this NPRM, we are certain that this rulemaking would be of some interest to the Secretary. So that we can better understand the FAA's plans for this rulemaking, we would appreciate it if you could arrange a briefing for OST staff. Please contact Neil Eisner's office to set a date.

cc:

Phil Haseltine, P-3
Shirley Ybarra, S-2
Ed Faberman, AGC-2

APPENDIX 9

LETTER TO CHAIRMAN FASCELL FROM EUROPEAN PARLIAMENT CONCERNING SECURITY OF TOURISTS ABROAD



De Europæiske Fællesskaber
EUROPA-PARLAMENTET

Europäische Gemeinschaften
EUROPÄISCHES PARLAMENT

European Communities
EUROPEAN PARLIAMENT

Communautés Européennes
PARLEMENT EUROPEEN

Comunità Europee
PARLAMENTO EUROPEO

Europese Gemeenschappen
EUROPEES PARLEMENT

The Hon. Dante Fascell
Chairman
Foreign Affairs Committee
House of Representatives
Congress of the United States
Washington DC 20515

Strasbourg: 17 April, 1986

Dear Chairman,

In the context of your hearings on the effect of terrorism on tourism I should like you to know the importance which the European Parliament attaches to maintaining the high level of bilateral tourism between our two continents.

It is a matter of profoundest regret that 20 US citizens have been the victims of terrorist killings in Europe in the last year. As you know, EEC governments this week adopted the strong anti-terrorist measures which Britain has had since 1984.

In addition, I am requesting EEC Foreign Ministers to consider providing a compensation scheme for visitors to Europe who are the victims of violent crime, a scheme which exists already in Britain, France, Germany and the Irish Republic, as well as in the USA.

It is our intention to provide maximum security for the 200 million annual cross-frontier visitors in the EEC's 12 countries, and apart from anti-terrorist measures, you might like to know that 1986 is European Road Safety Year, which is designed to reduce the 55,000 deaths on our roads each year.

Be assured of our deep interest in your deliberations.

Yours faithfully,

Edward McMillan Scott

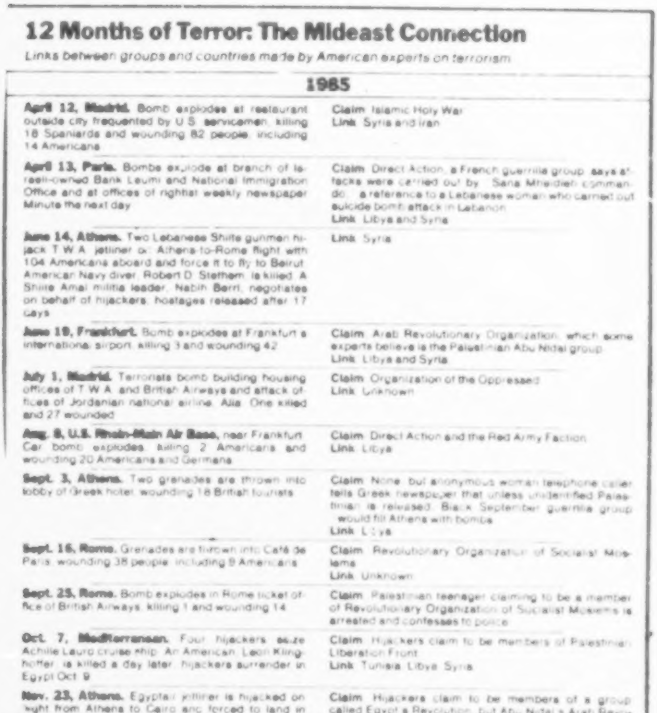
Edward McMillan Scott, MEP
(York, Conservative)
European Parliament Rapporteur on Tourism

cc Mr. H. van den Broek (President, Council of European Community Foreign Ministers)
Commissioner Ripa di Meana (European Commission, Brussels)

Centre européen, Plateau du Kirchberg – Boite postale 1601 – Luxembourg – ☎ 4300 1 – [illegible]

APPENDIX 10

(From the New York Times, April [illegible], 1986)



12 Months of Terror: The Mideast Connection

Links between groups and countries made by American experts on terrorism

1985

April 12, Madrid. Bomb explodes at restaurant outside city frequented by U.S. servicemen, killing 18 Spaniards and wounding 82 people, including 14 Americans	**Claim** Islamic Holy War **Link** Syria and Iran
April 13, Paris. Bombs explode at branch of Israeli-owned Bank Leumi and National Immigration Office and at offices of rightist weekly newspaper Minute the next day	**Claim** Direct Action, a French guerrilla group, says attacks were carried out by "Sana Mheidleh commando," a reference to a Lebanese woman who carried out suicide bomb attack in Lebanon **Link** Libya and Syria
June 14, Athens. Two Lebanese Shiite gunmen hijack T.W.A. jetliner on Athens-to-Rome flight with 104 Americans aboard and force it to fly to Beirut. American Navy diver, Robert D. Stethem, is killed. A Shiite Amal militia leader, Nabih Berri, negotiates on behalf of hijackers; hostages released after 17 days	**Link** Syria
June 19, Frankfurt. Bomb explodes at Frankfurt's international airport, killing 3 and wounding 42	**Claim** Arab Revolutionary Organization, which some experts believe is the Palestinian Abu Nidal group **Link** Libya and Syria
July 1, Madrid. Terrorists bomb building housing offices of T.W.A. and British Airways and attack offices of Jordanian national airline, Alia. One killed and 27 wounded	**Claim** Organization of the Oppressed **Link** Unknown
Aug. 8, U.S. Rhein-Main Air Base, near Frankfurt. Car bomb explodes, killing 2 Americans and wounding 20 Americans and Germans	**Claim** Direct Action and the Red Army Faction **Link** Libya
Sept. 3, Athens. Two grenades are thrown into lobby of Greek hotel, wounding 18 British tourists	**Claim** None, but anonymous woman telephone caller tells Greek newspaper that unless unidentified Palestinian is released, Black September guerrilla group "would fill Athens with bombs" **Link** Libya
Sept. 16, Rome. Grenades are thrown into Café de Paris, wounding 38 people, including 9 Americans	**Claim** Revolutionary Organization of Socialist Moslems **Link** Unknown
Sept. 25, Rome. Bomb explodes in Rome ticket office of British Airways, killing 1 and wounding 14	**Claim** Palestinian teenager claiming to be a member of Revolutionary Organization of Socialist Moslems is arrested and confesses to police
Oct. 7, Mediterranean. Four hijackers seize Achille Lauro cruise ship. An American, Leon Klinghoffer, is killed a day later; hijackers surrender in Egypt Oct. 9	**Claim** Hijackers claim to be members of Palestinian Liberation Front **Link** Tunisia, Libya, Syria
Nov. 23, Athens. Egyptair jetliner is hijacked on flight from Athens to Cairo and forced to land in Malta. An American passenger, Scarlett Marie Rogencamp, is killed. Egyptians then storm plane; 57 passengers and 2 hijackers are killed	**Claim** Hijackers claim to be members of a group called Egypt's Revolution, but Abu Nidal's Arab Revolutionary Command and the Organization of Egypt's Revolutionaries also issue statement claiming responsibility
Nov. 24, Frankfurt. Car bomb explodes at U.S. military shopping center, wounding 35, including 33 Americans	**Claim** None, but Abu Nidal group is suspected of involvement
Dec. 7, Paris. Bombs explode at Galeries Lafayette and Printemps department stores; 39 people wounded	**Claim** The Palestinian Liberation Front, a faction of the P.L.O.
Dec. 27, Rome and Vienna. Gunmen attack airports and 20 people are killed, including 4 terrorists and 5 Americans, and more than 110 others are wounded	**Claim** Surviving gunmen say they are members of the Fatah Revolutionary Council, a renegade Palestinian group headed by Abu Nidal

1986

Feb. 3, Paris. Bomb explodes on Champs-Elysées, wounding 8 people	**Claim** Committee of Solidarity with Arab and Middle Eastern Political Prisoners, which demands release of 2 Arabs and 1 Armenian jailed in France, including leader of Lebanese Armed Revolutionary Factions
Feb. 4, Paris. Bomb explodes in crowded bookshop in Latin quarter, wounding 4 people. That evening, bomb is discovered in Eiffel Tower, but police defuse it	**Claim** None issued
Feb. 5, Paris. Bomb explodes in Forum des Halles shopping mall, wounding 9	**Claim** None
March 20, Paris. Bomb explodes on Champs-Elysée, killing 2 and wounding [illegible]. Second bomb found on subway train is defused	**Claim** Committee of Solidarity With Arab and Middle Eastern Political Prisoners
April 5, West Berlin. Bomb explodes in a discothèque popular with American troops, killing one American serviceman and a Turkish woman and wounding 204 people, including more than 50 Americans	**Claim** West German terrorist groups and previously unkonwn group calling itself Anti-American Arab Liberation Front. U.S. officials say there are clear indications of Libyan responsibility for attack

APPENDIX 11

Air Transport Association ata OF AMERICA

1709 New York Avenue, NW
Washington, DC 20006-5206
Phone (202) 626-4000

MAY [illegible]
NORMAN [illegible] M.C.

May 19, 1986

Honorable Norman Y. Mineta, Chairman
Subcommittee on Aviation
Committee on Public Works and Transportation
U. S. House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

On April 17, 1986, during the joint hearings on international terrorism which were held by the Subcommittee on Aviation, the Subcommittee on International Operations, and the Subcommittee on Arms Control, International Security and Science, you raised several questions regarding the policy of the airlines concerning carry-on baggage. I am pleased to have the opportunity to further respond for the record.

The boarding of passenger carry-on baggage is governed by Federal Aviation Regulation section 121.589, and the FAA has the authority under Title IX of the Federal Aviation Act to enforce the requirements. The regulation states that no certificate holder (or airline) may allow an aircraft to takeoff or land unless each article of baggage carried aboard the aircraft is stowed in a restrained area.

To comply with the regulation, the airlines restrict the amount of carry-on baggage consistent with aircraft types, passenger load factors or a combination of these two factors. Baggage which cannot be stowed in accordance with the regulations is transferred to the cargo compartment. Since many travelers have a preference to carry-on baggage, the airlines have gone to significant expense to configure their aircraft to safely accommodate the baggage.

Primary compliance responsibility of the regulation rests with the airline. The airline delegates authority to passenger service and crewmember personnel. Thus, these employees play a key role. If the crewmembers fail to take responsibility for insuring that carry-on baggage is stowed in accordance with the regulation and applicable company procedures, they may be subject to disciplinary action and the airline may be subject to FAA enforcement action.

Although the FAA is considering whether to further limit the size and quantity of baggage which is carried on board, this is primarily due to considerations of stowage, rather than security. The airlines believe that the current regulation provides the necessary guidelines for safe operations and that there is no evidence that additional regulations will enhance safety.

The screening of carry-on items for security purposes is regulated by Part 108 of the Federal Aviation Regulations, under which the Federal Aviation Administration devised, administers and enforces an air carrier Standard Security Program which establishes the screening procedures to comply with the regulation. These procedures have resulted in carry-on baggage being the most secure of all passenger and shipper baggage and cargo, since all hand-carried items are subject to either x-ray or physical inspection.

The airlines do not believe limiting carry-on baggage would accomplish the objective of tightening security. Further, a large increase in checked baggage would likely be limited by any of several constraints found in the checked baggage system including, check-in positions, staging areas and carousels.

To understand the massive efforts behind successful air transport security, it is helpful to look first at the dimensions of the air transport system that industry and government are keeping secure.

- The nation's airlines transported more than 370 million passengers last year.
- These people moved along with millions of tons of freight and nine out of every 10 intercity first class letters.
- They required the service of 5.5 million flights that had to be processed for security, as well as for a host of other reasons.
- These passengers checked some 550 million bags that moved in aircraft luggage compartments.
- They carried on board with them more than 370 million pieces of luggage.
- In total, the airlines screened more than one billion items that people carried aboard -- the 370 million pieces of carry-on luggage as well as purses and briefcases.
- These passengers passed through 1,200 screening points maintained by the airlines at about 400 U.S. airports. Actually, more than 700 million people were screened -- counting passengers, people who came to see them off and others whose business takes them through the screening points.

- There are about 6,000 screeners at U.S. airports employed by contractors hired by the airlines. There are more than 1,500 law enforcement officers giving police support to screening activity. The compensation of these officers is being paid by the airlines. More than 1,000 x-ray units and 2,500 weapons detectors are in use at the screening points.

- It costs an average of 79 cents to screen a passenger. The screening phase of security alone costs the nation's air lines $200 million a year.

FAA's latest report to Congress on the effectiveness of the civil aviation security program, issued in November 1985, notes the following about the scope and effectiveness of screening from the time it began in early 1973 through June of 1985:

- Over six billion persons have been screened.

- Almost eight billion carry-on items have been inspected.

- More than 33,000 firearms have been detected, leading to about 14,000 related arrests.

The FAA estimates that 113 hijackings or related crimes may have been prevented by airline and airport security measures.

The airlines recognize that with the current wave of terrorist activities, they must exercise ever-increasing vigilance. Therefore, under the auspices of ATA, the industry has adopted the following objectives to strengthen government and industry security measures:

- Accelerate development of improved explosive detection techniques and conduct operational tests to determine their effectiveness and efficiency.

- Evaluate automated techniques for achieving positive passenger/baggage match.

- Improve passenger screening process by:
  - Better human/machine interface
  - Emphasis on high risk locations
  - Restricted access at selected facilities
  - Automated use of special profiles
  - Computer-assisted techniques for carry-on baggage

- With FAA, reexamine objectives and strengthen quality of security training programs for flight and ground personnel.

- Develop concepts for increasing airport security if circumstances require.

In summary, Mr. Chairman, we believe that the security program administered by the FAA and implemented by the scheduled air carriers and the U.S. airports they serve is adequately meeting the current threat and is capable of responding to any future changes in the nature and level of the threat. We believe also that the existing U.S. government and industry mechanisms for dealing with the terrorist threat and the related assignments of responsibility are both effective and appropriate.

Again, we appreciate the opportunity to express our views on this important subject.

Sincerely,

Richard F. Lally

Richard F. Lally
Assistant Vice President - Security

APPENDIX 12

General
Tours
[illegible] BROADWAY NEW YORK N.Y. 10003
TELEPHONE (212) 598 [illegible]
CABLE ADDRESS GENETOUR
TELEX [illegible]
Member of the
[illegible] Family of Travel

April 16, 1986

The Honourable Dante Fascell
Chairman, Foreign Affairs Committee
House of Representatives
2401 A Rayburn Building
Washington, D.C. 20510

Dear Mr. Fascell:

This letter and the enclosed articles entitled "You Can't Shoot Your Way Out of Terrorism" are submitted as a statement for the record of your April 17 hearings on terrorism.

Foreign travel is the principal communications medium of the nations: it comprises a good part of the essential infrastructure of foreign policy. The use of force for counter-terrorism or other foreign policy objectives always destroys travel flows and travel infrastructure, and isolates America from the world we would lead.

Preserving America's international travel communications links is a grave foreign policy and national security problem in its own right that cries out for more attention from policy-makers than it has been receiving.

Sincerely,

Carl D Hansen-Stern

Carl D. Hansen-Stern

Enclosures as stated

An Analysis From
A Former State Department Official

THE TRAVEL AGENT

TERRORISM

Why we can't shoot our way out

First of Two Parts

by Cord D. Hansen-Sturm

P[illegible]

"It is one thing to build better security into travel services to protect people. It is another thing entirely to kill some people and destroy jobs in order to save other people and their jobs."

[illegible]

Continued on page 24

[illegible] AVAILABLE

AGENCY OPERATIONS

We can't shoot our way out of terrorism

Continued from page 22

ploring our country at work and play obviously receive value beyond sun and sand for their money. They go home knowing us a little better.

Americans must realize they benefit the same way from travel abroad. If they panic and hide their heads in the sand of the old WWI-vintage *fortress America*, they will isolate themselves every bit as much as they isolate the destinations they abandon.

Consider these questions:

- How can we hope to continue to lead the free world when educators and parents keep students home? You cannot lead those you don't understand.
- How can U.S. businessmen prevent a $200 billion annual foreign trade gap and a trillion dollar foreign debt if salesmen avoid foreign markets?

> ***'How can we continue to lead the free world when educators and parents keep students home?'***

- How can the government maintain strategic allies whose economies depend on foreign tourism if our travelers abandon them?

Our national security and public welfare depend on the companies that comprise the U.S. and allied components of the international travel infrastructure. Sabotage them and the whole superstructure of U.S. foreign policy can come tumbling down. America can survive nicely without satellite communications, but it would flounder without foreign travel.

The extended overseas travel network is increasingly vulnerable to attack because U.S. power is waning. The world's oceans are no longer American lakes. The brief post-World War II *Pax Americana* is history. American overseas travelers are dependent on security provided by other governments rather than our own.

NEXT: A Policy that Passeth Understanding

The author, formerly on the policy and planning staff at the State Dept., is now a travel consultant and tour operator.

A former State Dept. official analyzes the administration's demand for military and economic sanctions

Second in series:
First part appeared April 17, page 22

WHY WE CAN'T WAY OUT OF

by Cord D. Hansen-Sturm

The fact that U.S. force cannot independently stem terrorism is frustrating to a nation whose conservative leaders have staked their foreign policy on the deterrant effect of overwhelming military power. Having promised Americans they would once again stand tall as citizens of the undisputed military superstate, the administration is under pressure to start backing up its words.

Military confrontation has a way of reducing complex foreign policy issues into a *we/they* situation that evokes a rush of patriotism and domestic support for the leadership. Today's foreign policymakers apparently are strongly tempted to recommend shooting first and asking questions later.

The national propensity to use force without regard to the flow of travel is evident in the otherwise excellent *Public Report of the Vice President's Task Force on Combating Terrorism* issued last February. It is a superb description of the policeman's approach to terrorism. The very choice of the term *combating* in the title instead of the more common and neutral *countering* implies that it is a treatise on the aggressive use of force.

'It should not surprise anyone that preserving U.S. overseas travel flow simply was not considered a foreign policy objective'

The report's bottom-line statements on sanctions are:

- "Use of our well-trained and capable military forces offers an excellent chance of success if a military option can be implemented."
- "It would not immediately risk more U.S. lives or prestige and could be more effective if utilized in concert with diplomatic, political or economic sanctions."
- "In every case, the advantages of sanctions must be weighed against other foreign policy objectives."

Of course, the key to this prescription rests in defining "other foreign policy objectives" and the process by which they are "weighed" against military and economic sanctions.

Donna Tuttle, as undersecretary of Commerce for Travel and Tourism, is the senior travel industry-dedicated policymaker in the government. Travel, along with American overseas military installations, is the main terrorism battleground. But it should come as no surprise that the Undersecretary was not a member of the Task Force that prepared the report, is not a member of the Interdepartmental Group on Terrorism, and probably was not consulted on the pros and cons of economic and military sanctions against Libya.

It should not surprise anyone that preserving U.S. overseas travel flow simply was not considered a foreign policy objective. Instead, reducing U.S. overseas travel flows to deny other countries travel income was chosen as a principal weapon in the battle against terror.

The best way to understand how this operates is to take a look at the sanctions against Libya.

The President has announced that Libya supported the terrorists who attacked the Rome and Vienna airports and are strong suspects in other attacks. It was to be punished by a worldwide economic embargo including a travel ban. [At presstime, further military retaliation was being discussed by policymakers.]

He implied on prime time television that travel to Europe was unsafe because of terrorism, an incorrect inference devastating in its negative effect on U.S. travel decisions.

The economic sanctions proved a humiliating foreign policy failure for the United States.

- Other countries refused to join the U.S. economic embargo and travel ban.
- U.S. oil companies, whose purchases of Libyan oil comprised the only potential clout in the unilateral U.S. economic embargo, were permitted to continue business as usual until they get their money out of Libya.
- The remaining *de jure* sanctions against Libya had been reduced to little more than a travel ban to a country most Americans did not want to visit anyway.

The really painful "defacto" travel sanctions produced by all the tough talk were mainly against our allies. The written record of National Security Council discussions, when revealed for future generations, will most likely confirm what is now rumored: that U.S. officials did nothing to calm the travel fears they had helped to inflame in order that the Europeans be made to suffer travel income losses for not supporting the U.S. hard line on sanctions.

The record is not likely to show concern that U.S. travelers and travel companies are among the biggest losers.

The travel sanctions malady is hard to contain because it has a pleasing narcotic effect on frustrated officials and voters.

The House last month passed the Omnibus Anti-Terrorism Act of 1986 containing an amendment suggesting that the Secretary of State issue a travel advisory whenever state-supported terrorists victimize a country whose government does not sever official relations with the nation suspected of supporting the terrorists.

Travel advisories no longer would—as they were designed to—simply seek

SHOOT OUR TERRORISM

to protect Americans by warning them about dangers in a particular area. Instead, these documents would become economic weapons against countries like Italy and Austria which have not agreed with us that the way to counter terrorism is to stop communicating with hostile governments.

If the Senate agrees, Congress literally will have instructed the Secretary of State to lie to American citizens about the risks and scare them away in order to punish a country.

This surreal strategy would destroy the credibility of travel advisories and would place Americans more at risk than they are now. Terrorists could count on the State Department to help them isolate destinations to achieve their political objectives.

America's European allies [illegible] the military sanctions against Libya even more than the economic sanctions. They advised the U.S. not to attack. Now they are being told to increase the security for U.S. officials and travelers because of the likelihood of [illegible] attack on their soil.

The administration has gambled against expert advice that [illegible] Qaddafi that his countrymen will suffer unbearable physical pain should terrorists harm Americans. Whether or not the gamble works, the odds point to an immediate negative impact on travel flows.

Guns and tourism do not mix. People avoid war zones. The Secretary of State just flew over two NATO countries protected by a fighter escort and warned his hosts that unless they were tougher on terrorism they would lose tourists. While he was demonstrating his fear of a terrorist [illegible], U.S. gunboats crossed the "Line of Death" into disputed waters and killed Libyans. With such dramatic news, it is no wonder the U.S. media and the public are speculating about when and where the Libyans or their sympathizers will retaliate against American travelers.

Time will show if the military sanctions reduce or increase terrorism and the long-term impact on travel flows. It seems likely they will add substantially to the already negative impact of economic sanctions. Terrorists may have stumbled upon America's travel destruct button.

NEXT: Some Answers

The author was formerly on the policy and planning staff at the State Dept. and is now a travel consultant and tour operator.

APPENDIX 13

PAPER BY CORD D. HANSEN-STURM ENTITLED: "COUNTER-TERRORISM: ALTERNATIVES TO VIOLENCE"

"Counter terrorists" combat terrorist violence with deterent violence. They become part of the terrorism problem when governments abandon restraint and seek a quick military fix. The United States and Libya are extracting eye-for-eye in ritualized surgical strikes in a bizarre terrorist-counterterrorist war.

The first two articles in this series described why striking back with economic and military sanctions *rarely* achieves intended results but *always* destroys travel flows. More frequently than not, the use of force unwittingly serves the terrorists' objectives which is to focus world attention on their cause while it increases their influence by severing their victims' travel income. For this reason, European governments fear violent counter-terrorist medicine almost as much as the terrorist disease.

Middle-East Terrorism preoccupies the United States and Israeli governments as it is directed against their power. There is general agreement that it owes its existence to complex and powerful historical forces and not to a minor extremist on the fringe of the respectable Arab world. Deposing Qadafi by U.S. force might alleviate an expecially irksome symptom, but will it begin to cure or might it even exacerbate the underlying social infection? One thing is certain, escalating propaganda about using force will devastate tourism. When Defense Secretary Casper Weinberger on world television traced the 2,400 nautical mile flight path of American bombers around the coast of Europe to the Libyan target zone his shadow swept ominously across the map of the European terrorist battleground.

Both U.S. and Libyan chiefs of state are publicly committed in advance to retaliate for each retaliation: Qadafi by placing bombs in European discos and airplanes frequented by Americans, and Reagan by dropping bombs on varied Libyan targets. The political rhetoric is extreme: the President has labeled Qadafi a mad dog and Qadafi has deprecated Reagan as a senile old man. United States leaders have promised to escalate the violence until it deters Libya and other states from supporting terrorists.

When an extreme level of public tension is created intentionally by governments in order to 'signal' their resolve and to win and thus deter the opponent, potential travelers become frightened, confused, and angry. They stay home. The current deep crisis in U.S. cross-Atlantic travel is increasingly of U.S. government manufacture. The latest attack on Libya was also a billion dollar bombing of the travel industry.

This poses a dilemma for the U.S. travel industry. All hope the gamble will pay off. Most are hopping mad at the Europeans for rejecting the U.S. call for combined economic sanctions and for letting us go it alone militarily. The majority feel they are benefitting commercially from the distortion in travel patterns that is pushing tourists their way.

On the other and far weaker side are the companies and employees that have been sacrificed and those who worry that the sacrifice is in vain. Adding to their discomfort is the sense their nation will stigmatize them if they do not march with the crowd to the current tune.

Nowhere is the dilemma more acute than in the recently formed Travelers Security policy Council.

America's and Europe's top travel industry associations joined with the U.S. government to steer a course that would maximize travelers safety and at the same time minimize distortions in travel flows. But the original U.S. government council representative was bound by policy to support independent U.S. sanctions that everyone agrees will further curtail travel flows in the short and medium term. On the other hand, the European Travel Commission is on record for actions that preserve travel flows in an already hard hit season. The U.S. private sector travel leaders on the council were between the rock and the hard place.

Simultaneously aware of the angry and impatient public mood and the impending economic disaster, they were under pressure to quietly preach toughness to the Europeans and moderation to their own government. In order that the sanctions dilemma not sink their new ship, the organizing council members appear to have tacitly agreed not to clash head-on, but rather to set the sanctions issue aside in order to promote policies that improve passenger security measures to protect travelers and to better inform governments and travelers so that future decisions are grounded in knowledge rather than in anger and fear.

The U.S. government representative's departure from the council has made it possible for the private sector members to deal with the core question of travel destroying sanctions. Here are a few principles generally adhered to by other democracies which need to be thoroughly discussed as a basis also for U.S. policy:

. GOVERNMENTS ONLY SHOULD BE RESPONSIBLE FOR APPLYING SANCTIONS. PRIVATE SECTOR SANCTIONS EXCEPT UNDER GOVERNMENT ORDER ARE VIGILANTEISM AND MUST NEVER BE UNDERTAKEN. The frequent attempts of the Airline Pilots Association independently to boycott destinations and other travel sectors is an example of self-destructive industry behavior.

. GOVERNMENTS SHOULD ACT IN CONCERT OR NOT AT ALL. An economic embargo that is not widely supported simply does not work while it hurts domestic industry at least as much as the economy of the target country. Shooting wars escalate by their own violent logic and thus should be undertaken by nations together as last resort and not as "off-the-shelf" policy options as suggested in the Vice President's counter-terrorism report.

. GOVERNMENTS MUST NEVER USE TRAVEL CONTROLS AS FOREIGN POLICY WEAPONS.

Travel is a fundamental human right that should be protected by the constitution on the same freedom of access to information grounds that protect the mails, telecommunications and the Press. The U.S. courts prohibit the Executive from preventing foreign communists from visiting this country on First Ammendment grounds, while they do not challenge the graver and increasingly frequent abuse of U.S. citizens rights to travel abroad also for limited foreign policy rather than essential security reasons.

. GOVERNMENTS SHOULD APPLY TRAVEL CONTROLS ONLY IN SEVERE NATIONAL SECURITY CRISES IN ORDER TO KEEP CITIZENS OUT OF WAR ZONES.

[illegible]

Determination of crises in the U.S. should be made by Congress. Press, post and telecommunications contacts have not been severed with Cuba and Libya, for example, but normal Americans are prevented by travel bans from learning what is happening with their own eyes.

. GOVERNMENTS SHOULD REIMBURSE COMPANIES THAT ARE SACRIFICED BY EMBARGOES OR OTHER POLICY.

The U. S. government avoids agricultural embargoes because of a law that it must reimburse farmers whose grain is expendedas a weapon. Just as military contractors, soldiers, and farmers are recompensed by society for their losses determined to be in the national interest, so should be travel companies and their employees. Those airlines, tour operators, and travel agents dependent on European travel who face bankruptcy because of current policy deserve consideration. The obligation to pay would instill more rational behavior in the National Security Council and the State Department.

At present the White House immediately calls for travel sanctions in foreign policy crises because travel is the only industry that does not hold the government accountable for policy induced losses.

The following specific travel industry actions would advance the adoption of these principles:

- Call for a reconstituted Vice Presidential Task Force on combatting terrorism that includes the Under Secretary of Commerce for Travel and Tourism and which gives equal weight to travelers security and the preservation of travel flows as it does to the security of diplomats and to the preservation of telecommunications flows.

- Call for a separate government review of the costs and benefits of travel bans as foreign policy sanctions. According to the President's own Export Council, each time travel sanctions have been imposed recently they have failed to achieve policy objectives and have cost the U.S. travel industry more than they cost the target country.

- Collect and publish data on the economic impact of terrorism and counter-terrorism. Probably the most significant short term 'gain' from the collapse of cross-Atlantic travel is recognition by governments and the public that travel is vitally important.

- Create a discreet industry communications channel to persuade European governments to cooperate more than they are now in counter-terrorism policy.*

- Pressure the State Department and Congress to enhance the travel advisory process as the principal way to inform the public of real dangers. This would entail repeal of the Levine amendment to the Omnibus Counter-Terrorism Act of 1986 which suggests that the Secretary of State use travel advisories as political weapons.

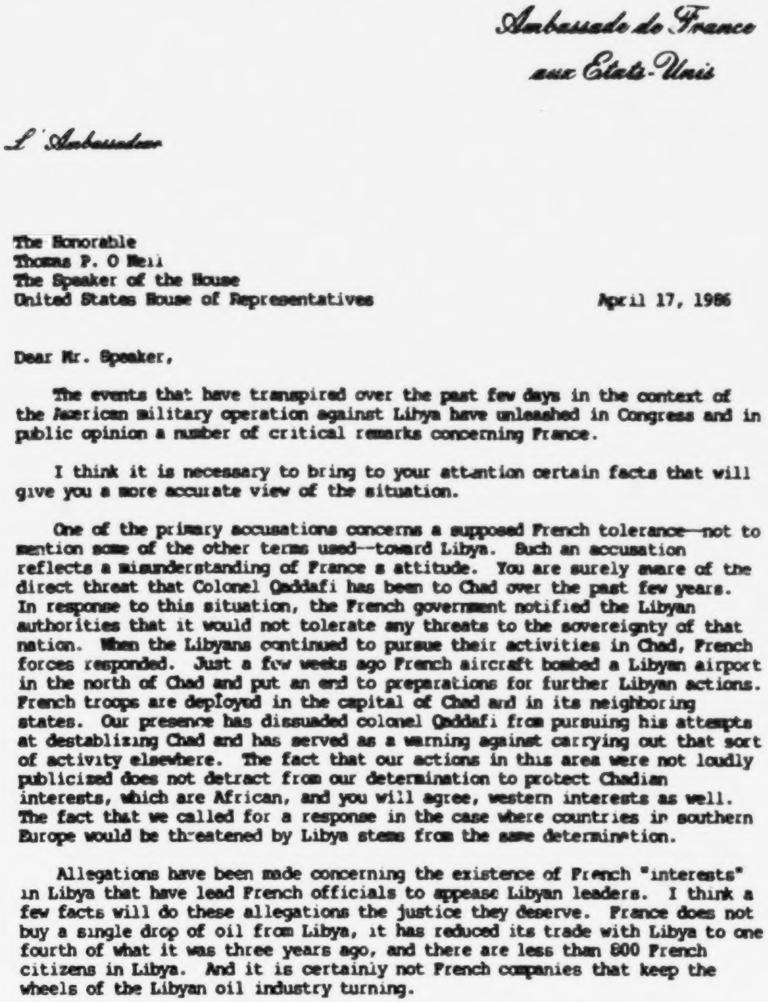
- Testify on behalf of leglation that will strengthen the Executive's hand to deal with terrorism while constraining the Executive from indiscriminate and counter-productive use of force. Obtain other legislation urgently required to preserve international travel flows as a foreign policy priority.

- Rethink priorities within the industry. The current un regulation, free trade philosophy is adequate only if the travel industry is a trivia industry. If, on the other hand, travel companies comprise a good part of the information infrastructure essential to our open society's national security and welfare, then industry leaders and citizens must demand a place at the foreign policy table and government officials must begin to act in the national interest by increasing support for the travel industry rather than pulling the rug out.

Counter-terrorism policy is above all, a citizenship question for all travel professionals who have a social responsibility and self interest to protect travel flows as well as to protect travelers.

APPENDIX 14

LETTER FROM FRENCH AMBASSADOR TO THE UNITED STATES TO SPEAKER O'NEILL CONCERNING THE AMERICAN MILITARY OPERATION AGAINST LIBYA



Ambassade de France
aux Etats-Unis

L'Ambassadeur

The Honorable
Thomas P. O Neill
The Speaker of the House
United States House of Representatives

April 17, 1986

Dear Mr. Speaker,

The events that have transpired over the past few days in the context of the American military operation against Libya have unleashed in Congress and in public opinion a number of critical remarks concerning France.

I think it is necessary to bring to your attention certain facts that will give you a more accurate view of the situation.

One of the primary accusations concerns a supposed French tolerance—not to mention some of the other terms used--toward Libya. Such an accusation reflects a misunderstanding of France s attitude. You are surely aware of the direct threat that Colonel Qaddafi has been to Chad over the past few years. In response to this situation, the French government notified the Libyan authorities that it would not tolerate any threats to the sovereignty of that nation. When the Libyans continued to pursue their activities in Chad, French forces responded. Just a few weeks ago French aircraft bombed a Libyan airport in the north of Chad and put an end to preparations for further Libyan actions. French troops are deployed in the capital of Chad and in its neighboring states. Our presence has dissuaded colonel Qaddafi from pursuing his attempts at destablizing Chad and has served as a warning against carrying out that sort of activity elsewhere. The fact that our actions in this area were not loudly publicized does not detract from our determination to protect Chadian interests, which are African, and you will agree, western interests as well. The fact that we called for a response in the case where countries in southern Europe would be threatened by Libya stems from the same determination.

Allegations have been made concerning the existence of French "interests" in Libya that have lead French officials to appease Libyan leaders. I think a few facts will do these allegations the justice they deserve. France does not buy a single drop of oil from Libya, it has reduced its trade with Libya to one fourth of what it was three years ago, and there are less than 800 French citizens in Libya. And it is certainly not French companies that keep the wheels of the Libyan oil industry turning.

The French government has been reproached for not being firm enough in the face of terrorism. To make such a reproach is to forget that France has been one of the principal victims of terrorist attacks over the past years and that French public opinion, every bit as much as American public opinion, is alert to these dangers. Need I remind you that at this very moment eight French hostages are being detained in Lebanon, and that France has paid a heavy tribute in human lives in an attempt to maintain the sovereignty and unity of that country. The French government has always adopted and will continue to adopt a firm attitude when confronted with terrorist threats, as is evident from the strengthening of police surveillance and judicial measures in our country. We wholly recognize the need for cooperation among our allies competent services in order to fight against this threat. This fact, I believe, is not contested by any of the specialists that deal with this problem; the opinions voiced by officials in Congress offers ample confirmation of this. The French government has recently expelled two members of the Libyan Peoples' Bureau. President Reagan mentioned the cooperation provided by French intelligence services that made it possible to prevent an attack against an American diplomatic mission. The fact that, for obvious reasons, we do not wish to publicize these and other patient, consistent and dangerous efforts does not in any way detract from the firmness of our actions against terrorism.

References to European reactions to the American operation in Libya have frequently evoked "condemnations" and anti-American sentiment on the part of public opinion. I feel that it is necessary on this point to remind you that the French government at no time either condemned or approved this operation. We expressed our concern regarding the risk of a spiral of events. I don't think this risk can be underestimated. Furthermore, you should know that no anti-American demonstrations have taken place in France. The fact is that we in France have our own analyses and concepts regarding the fight against terrorism. They take into account not only our own interests but also our conviction that the phenomenon of terrorism--one we have confronted for many years--stems from diverse causes and is of many origins, and that we consequently must combat it on many fronts and with varied and appropriate means. Informed opinion will not dispute this analysis. As concerns the request for American aircraft participating in the operation against Libya to fly over French territory, the response given by the French government—which should be understood in light of what has just been said—was the following: it is not possible for us to give such an authorization but we are ready, immediately, to consult with you on the best measures to take in the face of terrorism, those who support it, inspire it and encourage it. The American response was that there was not time for such consultations.

More generally, certain comments have gone as far as to question France's role as an American ally. Our position on this point is very old, well known and unchanging. France is not a member of NATO's integrated military command and has independent military, notably nuclear, forces. This does not detract from our commitment to the alliance of western democracies. Those officials who truly know the role of France in the Alliance have no doubts as to the daily and concrete reality of this commitment. And has it been forgotten that at a time crucial to relations within the Alliance, when a decision was being made on the deployment of American intermediate range missiles in Europe, the French president expressed, in Germany, France s support for this deployment, thereby helping convince European opinion of the necessity of responding to the imbalance of forces in Europe.

These are the points, Mr. Speaker, I wanted to make. I have spoken quite candidly with you because this issue is so important and because it distresses me to see a misunderstanding between our two countries. Any dissension within the Alliance would only give satisfaction to those who do not share our common goals.

I am also forwarding a copy of this letter to Congressman Fascell, Chairman of the House Foreign Relations Committee, to Congressman Broomfield, Ranking Minority Member of that committee, to Congressman Hamilton, Chairman of the Subcommittee on Europe and the Middle East, and to Congressman Gilman, Ranking Minority Member of that subcommittee.

I am, Mr. Speaker,

Sincerely yours,

E. de Margerie

Emmanuel de Margerie

APPENDIX 15

Responses by Under Secretary Tuttle to Additional Questions Submitted by the Committee on Foreign Affairs

Q. This morning you chaired the quarterly meeting of the National Tourism Policy Council. Can you describe for us the purpose and objectives of the Council?

A. The National Tourism Policy Council was created in 1981 by the National Tourism Policy Act. It is an interagency committee whose basic purpose is to assure that the national interest in tourism is fully considered in Federal decisionmaking. The Act authorizes the Council to "coordinate policies, programs, and issues relating to tourism, recreation or national heritage resources involving Federal departments, agencies or other entities." It also stipulates that the Council "shall coordinate the policies and programs of member agencies that have a significant effect on tourism, recreation and national heritage preservation; develop areas of cooperative program activity; assist in resolving interagency program and policy conflicts; seek and receive the concerns and views of State and local governments and the Travel and Tourism Advisory Board with respect to Federal programs and policies deemed to conflict with the orderly growth and development of tourism; and . . . establish such policy committees as it considers necessary and appropriate . . . to monitor a specific area of Federal Government activity . . . and to review and evaluate the relation of the policies and activities of the Federal Government in that specific area to tourism, recreation and national heritage conservation in the United States."

Q. Did the Council discuss matters pertaining to the security of American travelers abroad?

A. Yes. The Council met in joint session with members of the private sector Travelers Security Policy Council to discuss the impact of terrorism on international tourism and measures which are being implemented by the U.S. and foreign governments to improve traveler security.

DOT reported that it is inspecting airports around the world which are served by U.S. carriers and that it is monitoring U.S. carriers' and other security procedures at those airports. DOT officials assured the Council that American carriers have implemented every security measure the FAA has ordered. They also reported that the FAA, through an assistance program, is training security specialists in a number of foreign countries and, at one foreign airport alone, has trained 133 security personnel.

Some of the measures reportedly being taken by the airlines at DOT request to increase air traveler security are redundant screening of hand luggage, parking aircraft left overnight away from perimeter fences, sealing the doors of such aircraft, and posting armed guards around them to ward off prospective intruders.

The U.S. Customs Service reported that Customs authorities have developed a training program in cooperation with the international airline industry to train airline personnel to detect and intercept narcotics and terrorist paraphernalia (plastic bombs) passengers may try to bring aboard aircraft. Several hundred foreign airline personnel employed by 35 airlines have been trained to date in South America, Europe and the Far East.

The State Department reported that European Governments are talking with the USG about developing mechanisms to facilitate the exchange of security and other information, and that contacts being established with European officials and those in the Middle East will have a positive effect on international efforts to reduce the number of terrorist incidents.

Q. Will the Council make recommendations as to how the U.S. Government and private sector can manage the increasing demand for increased safety of travelers.

A. I wouldn't rule out that possibility; however, the primary purpose of our meeting on May 15 was to identify and discuss security measures which have already been implemented by both the public and private sectors -- and to ensure that each sector was aware of actions taken by the other. Another objective was to get detailed information about the nature and extent of the terrorist threat into the hands of the associations which make up the private sector Travelers Security Policy Council. Toward that end, the State Department provided a comprehensive report, entitled "Patterns of Global Terrorism: 1984," which identified the countries where terrorist incidents occurred during the year and specified the number of incidents per country. One particularly useful component of this report was a color-coded "situation map" which differentiated between countries experiencing 1 to 9, 10 to 19, 20 to 39 and 40 or more terrorist incidents during the year.

Q. Can the safety of travelers be improved while maintaining normal travel flows?

A. I believe that a number of steps to improve traveler safety have already been taken by U.S. agencies, foreign governments and the private sector. However, it would not be realistic to expect travel to be risk-free or to assume that terrorism against tourism-related targets has been eliminated. A State Department official told the National Tourism Policy Council that, "terrorism is probably going to be with us in some form for probably the rest of this century."

Q. When you speak of traveler safety, what do you mean?

A. The Random House College Dictionary defines safety as "freedom from the occurrence or risk of injury or loss." However, I don't believe that safety can be absolute. Even at best, it is relative. Traveler safety would be relative freedom from risk of injury or death; it assumes the existence of an international system of precautions and protections which increases the traveler's chances of arriving at, and engaging in activities in, his destination without being hijacked, taken hostage, injured or killed. Measures to control the movements of known or suspected terrorists, to screen checked baggage, more-rigorously inspect carry-on luggage, facilitate the exchange of intelligence information about terrorist groups and methods of operation, the re-evaluation of airport security procedures and the implementation of security plans at seaports are all part of that international system of precautions and protections. The existence of such a system does not reduce the traveler's risk of injury or death to zero, however.

Q. What are the benefits that can be derived from tourism?

A. Nations benefit from tourism in much the same way they benefit from trade in other services or trade in merchandise. Services sold to and consumed by foreign visitors in the United States earn foreign exchange. Expenditures by foreign visitors for U.S. services contribute to national income and support and create jobs for Americans. Bilateral tourism strengthens trade and political relationships between nations, creates greater awareness and understanding around the world of a nation's technological and cultural achievements, political institutions and economic system, and can even facilitate direct foreign investment by foreign nationals in a nation's industries.

Q. How does tourism and travel contribute to the economy and to the trade balance?

A. U.S. earnings from sales of services to foreign visitors are, in effect, export receipts. They help to offset the cost of U.S. imports of goods and other services. In 1985, the United States earned $14.2 billion from foreign visitor purchases of tourism-related services and goods, including transportation to and from this country on U.S. carriers.

In 1984, the U.S. Treasury collected almost as much foreign exchange from sales of tourism services to visiting Japanese as from sales of manufactured goods to Japanese companies. The United States earned more from sales of tourism services to visitors from the Federal Republic of Germany, France, Switzerland, Sweden, Spain and New Zealand than from exports of manufactured goods to firms in all six of those countries. Tourism accounted for more than half of U.S. sales of services to Canada, more than two-fifths (44%) of U.S. sales of services to Latin America and Other Western Hemisphere Countries, one-fourth of such sales to Japan, and to Australia, New Zealand and South Africa, and one-fifth of such sales to the so-called EC-6 (Belgium, France, the Federal Republic of Germany, Italy, Luxembourg and the Netherlands).

Q. According to reports, 1986 may be a complete disaster for the tourism industry. However, you mentioned in your testimony that terrorism is not a new problem for the industry. How do you explain the sudden change in the traveler's attitudes? Do you expect these changes to be permanent?

A. There appear to be two reasons for this change in the traveler's attitudes. First, the hijackings of TWA 847 and the Achille-Lauro, the murder of Leon Klinghoffer, the attacks at Rome and Vienna Airports in which Americans died, the bombing of TWA 840 in which Americans also died, plus the bombing of U.S. airline and American Express offices abroad have convinced Americans that they are terrorist targets. Second, there has been an apparent change in the nature of terrorist incidents. In the past, terrorists hijacked planes or took hostages to obtain some objective, such as the release of colleagues being held prisoner. More recent acts of terrorism have not appeared to be motivated by any negotiable objective. Further more, they have been characterized by excessive cruelty and violence, resulting in the murder and death of children and of an invalid confined to a wheelchair. These brutal attacks have undoubtedly affected public perceptions. I do not believe that this change in the traveler's attitudes toward foreign travel will be permanent; however, I do believe that from now on, it will be as important to be an informed traveler as it is to be an informed consumer. Americans who travel abroad, will insist on being better informed about the politics and geography of the countries they visit or plan to visit. They will also want to know more about U.S. bilateral relations with those countries, and I think they will pay greater attention to foreign policy matters.

Q. In your testimony, you pointed out that terrorism can result in diverting tourism away from countries where it occurs and can create political and economic instability. To what extent have countries targeted taken steps to improve the security of travelers to avoid such a deterioration?

A. Foreign governments have reimposed visa requirements for nationals of countries which are known to have harbored terrorists or which have sponsored terrorism. They have expelled individuals suspected of terrorist activity, increased airport and seaport security, and shared intelligence with us about alleged terrorist plots. There is always room for improvement in the field of traveler security. However, in the past year, I think there has been marked progress in educating foreign political leaders about the problem of terrorism and its effects on tourism, and, consequently, progress as well in reducing the opportunities for terrorism.

Q. In a pamphlet published by your Department, it is stated that tourism generates 4.7 million jobs and a payroll of $51 billion benefitting primarily thirty states. Are these figures computed annually?

A. They are published annually by the U.S. Travel Data Center, based on figures supplied by the U.S. Travel and Tourism Administration, the Bureau of Labor Statistics and the Bureau of Economic Analysis. A Study of the Impact of Foreign Visitors Spending on State Economies in 1983 was published in 1985 by USTTA; it is not published annually.

Q. To what extent are the views of your office and the tourism industry, in general, taken into account in the development of policies for combating terrorism?

A. The National Security Council does not consult with me about military operations; however, I am consulted about political policies for dealing with terrorism, especially when USTTA can play an operational role or when we have information about the impact of terrorism on a foreign country's tourism industry and economy. I have met on a number of occasions and exchanged information with my counterparts in the State Department's Office for Counter Terrorism and Emergency Planning, Citizens Emergency Center, and Bureau of International Organization Affairs. Ambassador Parker Borg, Principal Deputy Director of the Office for Counter Terrorism, and Deputy Assistant Secretary Richard Kauzlarich, of the Bureau of International Organization Affairs, attend meetings of the National Tourism Policy Council.

The Bureau of International Organization Affairs has taken the position that international organizations, such as the United Nations, the World Tourism Organization, the International Civil Aviation Organization and the International Maritime Organization, can be effective fora for shaping world public opinion, and foreign governments' policies, on terrorism. Not all governments have adopted tough counter-terrorist measures; a few are even sponsoring terrorism. Resolutions which condemn the use of terrorism and which are adopted by international bodies tend to politically isolate nations which practice it. Such resolutions are not going to deter individual terrorists, of course, but we hope they will embarrass governments which train, finance and harbor terrorists, or which fail to take the steps necessary to curb terrorism and improve traveler safety.

Last September, even before the U.N. Security Council adopted a resolution on terrorism, the United States, represented by USTTA and the Bureau of International Organization Affairs, was instrumental in the adoption of a resolution condemning terrorism against tourism by the General Assembly of the 107-nation World Tourism Organization. In April of this year, USTTA played a key role in the adoption of a resolution by the WTO Executive Council which expressed concern about continued terrorist attacks against tourist targets and reaffirmed the General Assembly's resolution. As an outgrowth of consultations by the State Department with USTTA and the U.S. Affiliate (private sector) Members of WTO, the U.S. Affiliates tabled a similar resolution this month at a meeting of the WTO Committee of Affiliate Members in Lisbon.

Q. In the specific case of Libya, were you consulted by the White House and the Department of State on the potential impact of proposed actions on travel flows in and out of the United States?

A. No, I was not. However, I believe that the U.S. military attack on Libya will have a positive impact in the long-run. It demonstrated that terrorism is not cost-free and that the U.S. Government is prepared to take action to protect its citizens. I believe the long-term consequence of the attack will be a return of tourists to the Mediterranean area.

Q. Some have suggested that the counter-terrorism policies of the U.S., especially as they become more militarized, may be as damaging to the tourism industry as the problem in the first place. Do you agree?

A. I do not agree. I think the world is having to deal with two kinds of terrorism: that committed by individuals and groups acting on their own, and that supported and sponsored by governments. We cannot effectively counter terrorism and make the world safer to travel in unless governments which oppose terrorism demonstrate that they will not tolerate it -- and will respond militarily if necessary.

Q. The reaction of the American public has demonstrated the potency of tourism as an economic weapon. Would you advocate the use of travel controls as a tool of government policy?

A. The United States has been a leader within the world community in supporting freedom of travel. We chair the World Tourism Organization's Facilitation Committee. The U.S. Government has not required exit permits, exit visas or re-entry permits of its citizens. It has not impounded passports, except, possibly, in very exceptional cases. Only a very few countries are "off-limits" to Americans. I think it would be extremely unfortunate if travel controls were made a tool of government policy.

I might add that the millions of voluntary decisions of individual Americans to refrain from traveling to a given country -- to vote with their feet, in effect -- constitute a stronger statement to foreign governments, in my judgment, than a policy decision by us to impose travel controls on U.S. citizens. Such a decision would inevitably meet with strong public criticism and would be very difficult to enforce.

Q. Travel advisories are increasingly necessary to alert the general public about a variety of problems. However, it has been suggested that advisories cannot be as effective in warning the public regarding terrorism because of the unpredictability and randomness of the terrorist threat. Do you agree?

A. The State Department issues travel advisories pertaining to terrorism when a determination is made that a particular government is not taking the steps necessary to provide protection over a continuous period of time at a particular airport, or when it discerns a pattern of terrorist attacks against Americans over a period of time.

It cannot predict with certainty where the next terrorist incident will occur or who will be the target. In that sense, a travel advisory should not be regarded as an oracular statement.

Probably one of the most useful documents the State Department has issued is the report, "Patterns of Global Terrorism: 1984." Among other things, the report chronicles significant terrorist incidents occurring during the year by country. A travel agent who has a client wishing to visit a certain country can read the report and determine how many, if any, terrorist acts were committed in that country in 1984 -- and so advise his client. The client can then make up his own mind, on the basis of objective facts, as to whether he wishes to go ahead with his travel plans.

In other words, the State Department may not be able to predict terrorist incidents, but it can provide the public and the travel industry with reliable information about past history.

Q. Looking back at the events of the past several months, one would be tempted to conclude that the Government's approach to improving the security of Americans traveling abroad has been, whether intentional or not, to decrease the number of Americans going overseas. What other options are available to improve their security abroad without discouraging foreign travel?

A. I believe that the security of travelers is a joint responsibility, which must be borne equally by the traveler, himself, exercising sound judgment; the travel industry, which promotes its services to the traveling public; the host government, which, through promotional campaigns, appeals to the consumer to visit its territory and grants him permission to enter, in the form of a visa; and the traveler's country of residence, which issues him a passport and permits him to temporarily go abroad.

In my view, the traveler's responsibility is to inform himself about the country or countries he plans to visit. In the past, it was sufficient to read a Fodor's Guide or literature obtained from the national tourist office of the destination country. That is no longer the case. Today, travelers must be knowledgeable about the political climate in their prospective host countries, and they should seek out information about the number and nature of the terrorist attacks which have occurred in those countries. Americans arm themselves with comparative and performance information from consumer organizations before they purchase cars and televisions sets or washing machines. They need to use the same procedure in deciding on a travel destination.

I believe the travel industry, and I would include travel writers in that group, has a responsibility to monitor terrorist incidents and to frankly inform the public about such incidents. Obviously, the industry also has a responsibility to implement measures recommended by the FAA or other security experts to prevent unauthorized individuals carrying guns or explosives from entering airport or train terminals or from boarding aircraft, passenger ships or trains.

Host governments have a responsibility to crack down on terrorists and make it more difficult for them to operate. It is true that tourist travel is a voluntary activity; a tourist visits a country of his own volition. But it is the policy of more than 150 countries to aggressively promote tourism to their respective shores, and the government which deliberately attempts to attract tourist business incurs a moral obligation to ensure the safety of its visitors. The buyer of a tangible product receives a warranty from the manufacturer; the purchaser of travel-related services deserves a similar sort of assurance, even though it may be unwritten.

Finally, the country of origin has a responsibility to make information available about conditions in other countries which will help the prospective traveler decide whether or not he wishes to travel abroad. If necessary, that country has an obligation to ban travel altogether to other countries where conditions are dangerous enough to be life-threatening.

The U.S. Government is working with other governments, through the sharing of information, and the tightening of security standards, to try to improve the safety of Americans traveling abroad, and it has achieved improvements without discouraging foreign travel.

Q. You pointed out that terrorism is not new to the tourism industry. If that is so, then how can you explain the sudden change in attitude among today's travelers?

A. As I mentioned previously, I believe that there has been a change in the nature of terrorist incidents and targets. American are suddenly perceiving themselves as the targets, and we are seeing a new kind of vicious activity having no stated, negotiable objective and which has claimed the lives of Americans who were children or, in one case, an invalid.

Q. Ironically, one of the consequences of the stepped up terrorist campaign against American citizens has been an increase in tourism within the U.S. Fewer Americans are going abroad, and perhaps a larger number of foreigners have chosen the United States for this summer. Is that a fair description of the situation domestically?

A. Yes, that is true. However, even before the latest round of terrorist incidents, we were forecasting an upsurge in travel to the United States, due to the declining value of the dollar, stepped up promotions overseas and lower air fares. The cheaper dollar is also influencing the domestic travel market.

Q. Will the gains made domestically be sufficient to offset the losses of American tourism companies abroad?

A. Certain segments of the travel industry will benefit from increased tourism within the United States -- airlines with extensive domestic route systems, the lodging industry, the rental car industry, bus lines, sightseeing operators, theme parks, museums, galleries, zoos, botanical gardens, marinas, destinations, states and cities, etc. However, hotel chains with large numbers of properties abroad, airlines with extensive international route systems, especially in the North Atlantic region, tour operators who specialize in foreign tour programs and travel agents whose business is mostly outbound will not benefit from the upsurge in domestic and inbound travel.

Q. How would you describe at what point and how much information your office and the U.S. Government in general should provide to the traveling American public?

A. It would be difficult to pinpoint the time when the traveling American public should be provided with information about foreign travel conditions. Certainly, it is important for the prospective traveler to have information when he is making his choice of destination, assuming, of course, that his travel is discretionary. But some people make up their minds six months in advance, others a month in advance. Some plan summer vacations; others prefer to travel after the peak season is over in order to take advantage of lower prices. In other words, information must be continually available.

As to how much information should be provided and by whom: Americans should be told if the FAA has checked security procedures at a foreign, international airport and found them substandard over a continuous period of time. They should have convenient access to publications such as the State Department's report, "Patterns of Global Terrorism: 1984." They should be able to find out if in any one country: (a) there are Americans being held hostage; (b) American firms have been the targets of bombings or bomb-threats; (c) American aircraft have been hijacked; (d) there is an epidemic or shortage of hotel rooms; or (e) American or other tourists are systematically harassed by drug dealers or bandits. In the final analysis, however, only the perspective traveler can decide whether or not he has sufficient information upon which to base an informed travel decision, and whether he is willing to assume the risks (or possible consequences) of travel.

I should add that my agency, the U.S. Travel and Tourism Administration, does not have authority to provide travel information to Americans planning trips abroad. USTTA's principal mission is to expand travel to the United States by nationals of foreign countries. We are permitted to provide travel information about the United States to the prospective visitor from abroad.

Q. On page 16 of your testimony you state that one of your responsibilities is to defend the interests of the travel industry and be responsive to "nervous travel agents in the wake of a terrorist incident." One example you provide is the Achille-Lauro incident. Are you aware that in the House-passed Omnibus Anti-Terrorist legislation, Title IX establishes a new regime for maintaining security standards at both domestic and foreign ports? Do you support such a regime? Did you inform the travel industry of this measure?

A. I have been aware that the State Department's Bureau of International Organization Affairs and the U.S. Coast Guard have been working within the International Maritime Organization to promote the adoption of internationally-approved measures to improve seaport security. I support those efforts and a regime to maintain and improve domestic and foreign harbor, port and coastal facility security. I did mention the IMO initiative during a speech to the New York Convention and Visitors Bureau in January of this year.

Q. Mrs. Tuttle, on page 19 of your testimony, you state that you have met with and provided ideas on the terrorism and tourism issue with some 17 governments. Please elaborate further and provide the committee with specifics on this matter.

A. Five months ago, most foreign governments were viewing the massive cancellation of American bookings as a problem that could be solved by public relations or promotional blitzes. My reading of the situation was quite different. One of my staff members was compiling press clippings, and even cartoons, about the U.S. reaction to terrorism abroad from American newspapers. Early-on, it became apparent that sports teams, school groups, orchestras, clubs and individual Americans were either cancelling trips abroad altogether or re-booking to different destinations. It was also apparent that Americans had lost confidence in the ability of some governments to ensure the security of travelers, and that U.S. citizens were angry and resentful because U.S. pleas for sanctions against Libya were flatly rejected by our allies. My advice to my foreign counterparts has been, "this is not a promotional problem; it is a political problem. Tourism ministers need to meet with their foreign ministers and discuss the impact of terrorism on tourism and the economic consequences. Prime ministers and foreign ministers need to address the problem directly and publicly."

A State Department colleague believes that European leaders' growing willingness to deal more toughly with terrorists is at least partially attributable to their sudden realization that they are losing more money because of terrorism and its effect upon tourism from the United States than they were gaining by maintaining their trade ties with Libya.

Q. How would you evaluate the effectiveness of travel advisories? Do you believe that the travel industry is satisfied with the way travel advisories are issued? Do you believe there are ways to improve the issuance of travel advisories with respect to the terrorism problem in order to keep the travel industry better informed?

A. I know some of the questions that travel agents and members of the general public are asking about travel abroad because some of them are under the erroneous impression that it is USTTA, not the Department of State, which issues travel advisories. Most callers want to know if it "is safe" to travel through "X airport" or whether they should travel abroad. They are not looking for a qualified answer; they want a "yes" or a "no." Unfortunately, the situation is not that simple. The large majority of Americans can probably travel abroad without being involved in a terrorist incident. Nevertheless, it is impossible for any agency of government to guarantee that a U.S. national abroad will be untouched by terrorism.

A travel advisory is a bit like a weather forecast. It contains the best information the government has at the time, but like weather conditions, security conditions can change and change suddenly.

I think the travel industry probably is not satisfied with the way travel advisories are issued. The State Department does publish other helpful information, however, such as Patterns of Global Terrorism: 1984, which shows the public where and when terrorist incidents occurred in that year. Such information can be used to supplement travel advisories. However, as I suggested before, there are no oracles to consult.

APPENDIX 16

RESPONSES BY ASSISTANT SECRETARY CLARK TO ADDITIONAL QUESTIONS SUBMITTED BY THE COMMITTEE ON FOREIGN AFFAIRS

Q. The Bureau of Consular Affairs is, in more than one way, in the eye of the terrorism storm. A careful review of the trends in consular services would certainly reveal an accurate picture of the movement of Americans overseas and the increased flow of tourism toward the United States. Could you please comment on trends you see developing?

A. As I mentioned in my previous remarks, terrorist activity has indeed had its effect on the work of the Bureau. On the domestic side, in fiscal year 1985 we issued over three million passports to American citizens by early May. The current fiscal year has been marked by a decrease in passport issuance of apaproximately 17.8% for the same period. I believe this decrease and the attendant decrease in the movement of Americans overseas can be attributed to a combination of factors including terrorism, the strengthening of foreign currencies and low air fares being offered for travel within the United States.

Another trend noted within the past several months has been a steady increas in the number of telephone requests for travel advisory information received by the Bureau's Citizens Emergency Center. Over the past three months, the staff of the Emergency Center has been coping with over 500 travel advisory calls a day. For the most part, the calls focus on the terrorist risks of travel to Europe and the Mediterranean, but the inquiries cover the full gamut of potential problems for travels. For example, the Chernobyl nuclear disaster provoked tremendous anxiety among prospective travelers.

Overseas, nonimmigrant visa applications received during April 1986 in the majority of major European cities increased an average of 30% over April 1985. Again, this increase can be attributed to a combination of factors including the strengthening of foreign currencies and low air fares to the United States. However, it cannot be ignored that the perceived uncertainty about travel to the Mediterranean has added to the allure of American vacations spots.

Weighing the degree of terrorist threat appears to have become a consideration in travel planning for many Americans. I see no indication that this development will be reversed in the near future.

Q. The Citizens Emergency Service has been submerged in recent months as a result of a string of terrorist incidents, natural disasters and most recent the nuclear accident outside the Kiev. Can you describe how the American traveller is bearing under these circumstances?

A. I believe the American traveller is more informed, more sophisticated, and more cautious than ever before. Through the media and through their own research, travellers are becoming aware of potential conditions which may adversely affect them overseas. This heightened awareness has led many American travellers routinely to ask the Bureau's Citizens Emergency Center about conditions in the countries they intend to visit. Drawing on our travel advisories and other information, we help keep the American travelling public well informed.

In the end, each individual must decide for him or herself whether or not to travel, taking into account the situation in the country of destination, any applicable Department travel advisories, and one's own personal attitudes about such travel. That Americans are not travelling overseas as frequently as in past years would indicate that they are indeed increasingly apprehensive about the safety of travel outside the U.S. Despite this perception of increased risk, statistics do not support the belief that Americans are in greater danger than in previous years.

Q. How are the needs of the American traveller changing?

A. In recent months, we note a change in American travellers' perception of risks in foreign travel. As a result, we have had a heavy increase in requests for more accurate, complete and current information about the conditions in the areas he or she intends to visit. In today's political climate, terrorism is perceived as a potential threat to any American traveller. Americans view information obtained from the Department of State and other sources as one mechanism for minimizing their exposure to this risk.

Q. What is the nature of and the extent to which protection and assistance can be provided by the Bureau of Consular Affairs?

A. The protection by one country of its citizens located in another country has long been a recognized diplomatic and consular function. The Citizens Emergency Center in the Department is charged with monitoring the day-to-day emergencies involving deaths, arrests, disappearances, and medical and financial problems. During the past year, the Center was a focal point of the Department's 24-hour task forces, organized to deal with an unprecedented series of major emergencies.

In carrying out its responsibilities in providing emergency services to Americans abroad, the Emergency Center assisted in the transfer of approximately $3 million in private funds to citizens in distress during the past year. In addition, approximately $500,000 was extended in repatriation loans and nearly $60,000 was loaned under the Emergency Medical and Dietary Assistance Program. Assistance was provided to the nearly 2700 Americans who were arrested abroad as well as to the approximately 1700 Americans who remain in foreign jails and prisons.

The Center also assisted families in returning the remains of nearly 1700 Americans who died abroad last year. Also, more than 12,000 inquiries were received from concerned relatives regarding the welfare and whereabouts of loved ones outside the U.S.

The Center issued approximately 200 travel advisories last year alerting the public to conditions overseas of which they might otherwise be unaware. The vast majority of these dealt with mundane matters such as shortages of hotel space and specialized travel controls.

Q. Would you say that Americans run a greater risk travelling overseas today than six months ago? A year ago? Or is it simply that the perception has changed?

A. Statistically, the risks of traveling overseas are no greater now than they were either six months or a year ago. According to statistics provided by the Department's Bureau of Diplomatic Security, in 1985 25 Americans (17 private citizens) died in terrorist incidents. This was a marked increase from 1984 when 16 Americans (7 private citizens) were killed, but it is comparable to the death tolls in 1973 (22—19 private citizens) and 1974 (22—17 private citizens). Thus far this year, seven Americans were killed in four separate incidents. This is not to minimize the lethal incidents that have occured, but one has to keep in perspective that approximately 6½ million Americans traveled to Europe alone in 1985, and the overwhelming majority experienced no problems. However, graphic images of recent terrorist incidents have, without doubt, contributed to a public perception that foreign travel is now more dangerous. That perception is not based on facts.

Q. Is your office responsible for the issuance of travel advisories?

A. Yes, the Citizens Emergency Center in the Bureau of Consular Affairs is responsible for issuing travel advisories.

Q. Who else in the Department is consulted regarding the issuance of a travel advisory?

A. Travel advisories are issued only after careful evaluation of special circumstances in a particular country and in consultation with our diplomatic mission in the affected country. Depending on the nature of each case, various geographic and functional bureaus of the Department of State in addition to other concerned federal agencies are consulted.

Q. How do you coordinate with other interested agencies of the Government?

A. Coordination with other agencies is normally accomplished by telephone or through meetings with appropriate officials from those agencies.

Q. How many travel advisories have been issued so far in 1986? How does it compare to 1985?

A. As of May 30 thirty-five travel advisories have been issued in 1986. Forty-five travel advisories issued in 1985 remain in effect. We also issued approximately 155 in 1985 which have been cancelled or superseded. All in all, 128 travel advisories are in effect at this time, with one dating back to 1979 and others first issued in 1980.

Q. Can you list the different reasons for which advisories have been issued.

A. To date most travel advisories have pertained to temporary conditions unrelated to matters of physical safety. These include notifications of expected hotel room shortages, changes in visa, customs, and currency requirements, warnings about penalties for black market or narcotics activities, dislocations caused by natural disasters, and serious health-related matters. Of greater concern to the American traveling public at this time are advisories which describe conditions of civil and political unrest, crime, and actual warfare. There are relatively few of these advisories in effect at any time and they usually represent an established pattern of violence.

Q. In your opinion, what are the weaknesses of the current Travel Advisory procedure.

A. At present, I do not believe there are any significant weaknesses in the current travel advisory procedure. My earlier concerns about our ability to assess airport security were alleviated with the passage of the International Security and Development Act of 1985 (Public Law 99-83). This act mandates that the Secretary of State shall immediately issue a travel advisory when the Secretary of Transportation determines that, as a result of inadequate safety measures, conditions exist at a foreign airport which endanger the safety or security of passengers or crew.

Some believe that the current travel advisory procedure deals inadequately with terrorism. I disagree. In general, isolated international terrorists attacks—which can and do occur virtually anywhere at any time—are widely covered and made known to the American public by the media. We issue a travel advisory when a government consistently fails to provide reasonable security against terrorists attacks (e.g., Lebanon) or if there is hard evidence that known terrorists are operating in an area and the government is unable or unwilling to do anything about it (e.g., Khartoum, Sudan).

Q. Does the current travel advisory procedure lend itself to the different nature of terrorism?

A. Security-related travel advisories are usually based on recurring outbreaks of violence in a particular area. For that reason, isolated international terrorist attacks—which can and do occur virtually anywhere at any time—do not trigger travel advisories. The exception would be a country whose government consistently failed to provide reasonable security against such attacks.

Q. What conditions are necessary to trigger travel advisories concerning the threat of terrorism in a given country?

A. A travel advisory would be issued if a government consistently fails to provide reasonable security against terrorist attacks (e.g., Lebanon) or if there is hard evidence that known terrorists are operating in an area and the government is unable or unwilling to do anything about it (e.g., Khartoum, Sudan)

Q. What can be done to adapt the travel advisory system to the special circumstances relating to terrorism, and at the same time, avoid creating government travel controls?

A. Terrorism is by definition random and unpredictable. That being the case it is difficult to envision a travel advisory system which encompasses terrorism except for the rare and egregious instance when a government is unable or unwilling to provide reasonable security against terrorist attacks. All travel, domestic as well as international, involves some risk, but the likelihood that Americans will be involved in international terrorist incident is statistically very low.

In addition, we must take care to avoid creating a situation where the absence of a travel advisory is taken as a guarantee of safety. For those travellers who wish more information, the Citizens Emergency Center is prepared to provide information on the number of terrorist attacks in a specific country during a fixed period (e.g. incidents in 1985, year to date).

Q. What is the responsibility of the U.S. government with respect to losses incurred by the travel industry resulting from the issuance of travel advisories and other travel controls?

A. The principal reason for issuing travel advisories is to warn Americans who travel or reside abroad of serious conditions which could adversely affect them. We are well aware of the economic effects a travel advisory can have on the travel industry in this country as well as on the tourist industry in other countries. Nevertheless, the safety of Americans abroad is our overriding concern, and it is that consideration, after careful deliberation of the facts, which determines whether an advisory will be issued.

Q. How would you rate our ability to identify suspected and unwanted?

A. Uneven. Customs and INS inspectors have only a few seconds to inspect travel documents. They have developed techniques which enable them to detect some photo-substituted passports and counterfeit visas. However, given the extremely high quality of visa counterfeiting and the human factors involved, not all suspicious and unwanted aliens are detected. Eventually, we hope to have most countries follow our lead in issuing machine-readable passports MRP's). We are also in the process of developing machine-readable visas (MRV's) which together with the MRP will greatly improve our ability to detect suspicious and unwanted aliens.

Q. It would appear, based on your testimony, that your visa services around the world are being severely overloaded.

A. It is true that issuance of visitors visas in major European posts is up about 30% over last year. This is straining our resources but so far most posts are coping with the increased workload.

Q. Given the democratically-elected government in Guatemala and the significant reduction in violence, why is a travel advisory still in effect?

A. A travel advisory has been in effect for Guatemala since at least 1981. A revised advisory was issued on May 28, 1986, which noted that the security situation has steadily improved since 1982. However, the advisory pointed out that caution should be exercised in several areas near the border with Mexico where encounters between Guatemalan security forces and insurgents continue. Further, intercity road travel at night throughout Guatemala is discouraged.

Q. What other countries in Central America have travel advisories in effect?

A. In addition to Guatemala there are travel advisories in effect in El Salvador and Nicargua.

Q. What criteria do you use to (a) first issue a travel advisory; and (b) rescind a travel advisory?

A. Travel advisories are issued only after careful evaluation of special cricumstances in a particular country and in consultation with concerned geographic and functional bureaus in the Department of State and with our diplomatic mission in the affected country. The underlying criterion for issuing a travel advisory is whether or not information about serious conditions which could adversely affect Americans who travel or reside abroad is available to the general public.

Most travel advisories pertain to temporary conditions unrelated to matters of physical safety. These include notifications of expected hotel room shortages, changes in visa, customs and currency requirements, warnings about penalties for black market or narcotics activities, dislocations caused by natural disasters, and serious health-related matters.

A decision on the issuance of a security-related travel advisory (describing conditions of civil and political unrest, crime, or actual warfare) is based on the same criterion. However, since the safety of Americans abroad is our overriding concern, the Department of State issues security-related travel advisories in all instances where recurring outbreaks of violence have taken place in a particular area, regardless of the degree to which these conditions have been publicized.

Some non-security-related travel advisories are issued with an expiration date. Indefinitely-valid travel advisories are rescinded when the conditions which may adversely affect American travellers or residents improve enough to warrant a re-examination.

We review current travel advisories on a regular basis to ensure they continue to reflect actual conditions.

Q. In testimony before the subcommittees on the issue of terrorism and tourism, many of the witnesses felt that there was room for improvement on issuing travel advisories and that if they were used more frequently in cases involving international terrorism then the travelling American public would have more confidence in them and rely on them and therefore more freely travel to places which do not have a travel advisory.

Do you agree? Do you believe there are ways to improve the system with respect to travel advisories? Do you interface with the Under Secretary for Tourism before you issue travel advisories?

A. In general I do not agree because terrorism is by definition random and unpredictable. Therefore the prospect of a terrorist incident does not lend itself to the issuance of a travel advisory in most instances. However, when a government is clearly unable or unwilling to provide reasonable security against terrorist attacks we will issue an advisory as we have for Lebanon and, more recently, for Khartoum, Sudan.

I do believe that the effectiveness of the travel advisory program could be enhanced by eliminating the discretionary elements—hotel shortages, visa requirements, etc.—which are unrelated to safety or health concerns.

We do not interface with the Under Secretary for Tourism before we issue a travel advisory. Our principal concern is the safety of Americans abroad, not with the promotion of tourism to or from the U.S.

APPENDIX 17

RESPONSES BY CORD D. HANSEN-STURM TO ADDITIONAL QUESTIONS SUBMITTED BY THE COMMITTEE ON FOREIGN AFFAIRS

Q1. Based on such factors as the lowering of the dollar, a recent survey prepared by the Economist magazine predicted a decrease in the number of American travellers going abroad and an increase in inbound travel flows to the U.S.. In this context, to what extent has terrorism really affected tourism?

A1. We know that fear of terrorism is the principal cause of the precipitous drop in U.S. travel to Europe and the Mediterranean this year because the millions of travelers who are cancelling trips and booking pleasure and business trips elsewhere are telling the pollsters, travel agents, tour operators, airlines and other travel companies that fear of terrorism is the reason they changed their mind.

There is no doubt that the drop in purchasing power of the dollar in Europe also is having a powrful impact on travel decisions; but it is not enough in the absence of terrorism to so abruptly end the momentum of the strong market to Europe. A foreign exchange effect would have showed up significantly in 1987, but even then, if the U.S. economy remains strong and travelers perceptions of Europe had remained as positive as they were in 1984 and 1985, outbound travel flows probably would have stayed on the high plateau reached in the last several years.

Q2. You say that tourism and guns do not mix. Later on, in your testimony, you speak of militarization of the counter-terrorism policy of the United States. Do you mean to say that, for the sake of the tourism industry, the U.S. government should forego any military option in its fight against terrorism?

A2. No, but the answer would be yes if you rephrase the question to ask: "For the sake of maintaining travel flows, should the U. S. government forego any military option in its fight against terorism?" The generalized economic and other short and long term damage from sharply curtailed travel flows resulting from military action is vastly greater than the more easily calculable specific damage to the tourism industry.

The U. S. and foreign companies that comprise the transatlantic travel infrastructure will lose several billions of dollars in revenues and thousands of jobs. But this concentrated and visible travel sector loss pales in comparison to the difuse overall economic losses borne by the economies of the Atlantic and Mediterranean countries.

A2. The U.S. debt to foreigners is approaching a trillion dollars and annual balance of payments deficits may soon exceed $200 billion. The nation must arrest economic decline and regain its competitiveness, but this cannot happen if its knowledge workers stay home. The business, science, technical and scholastic power elites who make our information society work are precisely those people who are staying home. America's information elites, who literally conduct our foreign affairs, were travelling at work and play in record numbers to Europe and the Mediterranean. They will be less informed and less productive this year. The economic and social loss of the current and future knowledge product of these non-travelers far exceeds the loss of income and influence of America's transatlantic travel companies.

I said that guns and tourism do not mix and that travelers avoid war zones. The militarization of counter-terrorism policy has partially severed in-person communications links between the United States and its economic, political, and military allies.

Q3. You describe travel as the principal international communication medium of the United States, perhaps even greater than either telecommunications and print. Could you expand on this statement?

A3. Human brains are at the center of the information economy. They use computers, satellites, printing presses, jet planes, conference centers, and other information and communications tools to facilitate their work. When the information problem these brains are working on is really important; legislators, bureaucrats, business executives, scientists, scholars, journalists, and other information workers prefer not to let their fingers do the walking; instead they move their brains to the information. The fifty-five million brains that cross America's borders each year transport vast amounts of information while they conduct America's foreign commerce and transmit its culture.

Reviews of information company and information organization budgets in the private and public sector more often than not disclose far greater expenditures for travel than for telecommunication, postal services, printing, and other means of communication. Travel is king of the information budget because it is the most cost effective way to gather and disseminate complex information. This is because when people meet in person, all of their sensory organs are operating to collect and transmit information. Routine messages travel electronically while sensitive messages are spoken face to face. Satellite or television observation is a weak substitute for actually being there. Putting electronic or mechanical machinery between the information worker and a subject he wants to learn about or motivate more often than not will sharply reduce his efficiency. This is why foreign travel is at the top of the information power ladder.

Foreign travel is a function of education level as well as being educational. Executives and knowledge workers are educated overseas travelers "on duty" on work assignments and "off duty" as cultural tourists absorbing the foreign milieu that they need to master to do their work.

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A3. Because telecommunications carry the international bulk mail and the most important information crosses borders in human brains, maintaining and improving America's overseas travel communications is of vital trade policy, cultural policy, foreign policy, and national security importance to the United States. When space shuttles and rocket launchers fail to send up communications satellites, there is a crisis. When America's airlines stop flying to the world's power centers there is a catastrophe.

However, the American culture is so preoccupied with electronic technology and vulnerable to the self promotion of the influential electronic 'information' companies that dominate public discussion of the information economy, that the nation has become confused by the 'information' label the electronic technocrats have coopted to describe their economic contribution. The resulting lopsidedness in thinking about how information flows in an information based economy has reached the point that U.S. trade and foreign policymakers are obsessed with telecommunications and ignore travel as an information medium.

America's 'information foreign policy' needs drastic rethinking. For example, on the international 'political' and 'cultural' information policy front, the United States Information Agency largely promotes a canned and celluloid image of America abroad at a cost of hundreds of millions annually. Meanwhile, the administration keeps trying to convince congress to cut off the 12 million dollars spent annually by the United States Travel and Tourism Administration to promote international travel flows. On the international trade policy information front, the documents coming out of the National Telecommunications and Information Agency and the United States Trade Representative's office purport falsely to deal with all U.S. international economic information flows whereas in reality they ignore brains crossing borders altogether and vastly overplay telecommunications as the conveyor of 'important' information.

This extraordinary cultural blind spot that grossly underestimates the information value of American travel abroad appears also in a counterterrorism policy that would protect travelers by curtailing travel.
If the President is correct that grain embargoes are like shooting ourselves in the foot,travel bans are like shooting ourselves in the brain. Misunderstanding the information role of travel is a monumental strategic blunder.

Q4. We need to understand the phenomena and its impact, in order to maximize our ability to deter terrorism, minimize the impact of the latter on our economy and that of other nations, and to enhance the safety of American travellers. Do you believe a policy can be developed that achieves these three objectives?

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A4. A rational counter-terrorism policy must keep deterrence, economic impact, and safety in proper perspective. To balance these different goals we must understand what will deter terrorists and what will deter travelers. U.S. policy has unwisely focused on a single terrorist haven as if it were the root of all terrorism and that Qadafi could be deterred from future terrorist acts by escalating the application of economic and military force. Other countries are now explaining to the United States that the Syrians may have had a role in the terrorist attacks that precipitated America's unilateral economic embargo and military attacks on Libya. But Syria is a hard target. United States foreign policymakers are faced with the reality that they may precipitate a larger war that could consume Israel and Egypt if they react as violently as they have promised also against Syria. Thus the sudden caution.

The evidence shows that as of this date, the militarization of counter-terrorism policy has not increased deterrence one iota while it has cost the military and civilian economy billions of dollars, severely blighted America's prestige abroad, and decreased traveler's security. This is why all of America's principal economic and military allies at the Tokyo Summit refused to participate in America's counterproductive policies of military and economic force.

The United States cannot end all terrorism by waging war on countries that support terrorists. The alternative is to learn to live with the phenomenon to best control it and lessen its destructive impact. The large solutions require cooperation with other countries to help correct the underlying social causes which give rise to terrorists. Travel flows provide the strongest threads that bind diverse cultures together in an international fabric of peace. U.S. policy must feel its way and give equal weight to preserving travel flows and other means of communicating with the outside world as it does to preserving American lives. Nothing less than national security is at stake. The best way to resucitate vital travel flows is to demilitarize counter-terrorism policy

Q5. Given the nature of the travel environment, it seems practically impossible to insulate tourism from terrorism. Do you agree?

A5. Yes.

Q6. The Tourism Industry seems to be between the rock and the hard place. On one hand, the industry wants the governments to do something to stop terrorism because of the devastating impact it has on tourism. However, on the other hand, you seem to be saying that we must stay clear of aggressive policies because they too have a negative impact on tourism. How do you resolve this dilemma?

You pose a false dilemma. The choice is not between military and economic war on the one hand and continued terrorism on the other. Terrorism is actually being fostered by violent policies which have the side effect of frightening people from traveling. Thus, they severely impact on the economy and other social policy interests.

Q7. You stated in an article that appeared in the magazine "The Travel Agent" that:
"...the industry should testify on behalf of legislation that strengthens the Executive's hand to deal with terrorism while constraining it from indiscriminate and counter-productive use of force." What kind of legislation do you have in mind?

A7. A good example is the Omnibus Counter-Terrorism Act of 1986 passed by the House of Representatives last month. The body of the legislation is useful and is supported by the travel industry. However, it contains a harmful ammendment by which Congress would suggest to the Secretary of State that he turn travel advisories into political signalling devices and economic weapons to discipline those countries victimized by state sponsored terrorism whose governments do not believe it wise to curtail official communications with hostile governments. The ammendment must be opposed by the travel industry and anyone concerned about protecting travelers abroad or preserving overseas travel flows.

The State Department has been under travel industry pressure for some time to depoliticize and otherwise improve the travel advisory process. An informed American public aware of real dangers to travel abroad is less likely to stampede because of exaggerated fear of terrorism as it has done this year. Responsible, honest, timely, and concise travel advisories that do not attempt to protect friends or punish enemies are at the very core of sensible counter-terrorism and other foreign policies.

Because of the vast confusion surrounding travel advisories in the executive, congress, media, and traveling public, separate legislation may be required to adequately organize and fund them and the larger consular protective function in the State Department. This mundane foreign policy infrastructure function needs to be protected from current budgetary and political attack.

Q8. You have also called for the need to obtain other legislation making uninterrupted travel abroad a foreign policy priority. Could you please explain what such legislation would do?

A8. A legislative blind spot exists for Americans traveling overseas and for the American travel companies that provide services to Americans traveling abroad.

The International Aviation Act promotes international deregulation on the naive unstated assumptions that less regulation will improve two-way travel flows across U.S. borders while enhancing U.S. company market share. The National Tourism Policy Act speaks vaguely about understanding through travel while it emphasizes inbound pleasure travel and deemphasizes non-leisure and outbound travel. Embargo legislation such as the Export Administration Act and the International Economic Emergency Powers Act are silent on preserving travel flows. Travel embargoes have become the main U.S. weapon in economic war.

Basic legislation mandating the conduct of foreign affairs and travel regulation do not identify the preservation of travel flows as a foreign policy priority. For example, specific legislation authorizing the activities of the United States Information Agency, the National Telecommunications and Information Agency, the Department of Transportation, and the United States Travel and Tourism Administration do not identify travel flows as the vital foreign information medium they really are.

All of the above mentioned laws need to be adjusted to bring travel into its proper focus as foreign policy infrastructure. Legislation treats tourism (which in its scientific sense is synonomous with travel) as if it is mere recreational fluff and not the business of America. If economists would only calculate travel flows like they calculate telecommunications and postal flows by taking into consideration the short as well as the long range flows, travel would be recognized as the largest industry in the United States and the rest of the developed world.

Because of outmoded legislation, an archaic pre-information age mass travel organization exists in Washington that is incapable of dealing adequately with the massive problems of maintaining America's travel system in the much larger world system of which it is an integral and inseparable part. The standard bureaucratic response in Washington to requests for assistance to maintain or improve two-way travel flows is "Not my department."

Militarization of counter-terrorism policy reduces travel flows and weakens especially the American components of the international travel infrastructure. U.S. airlines on the transatlantic routes are in a life or death crisis. Foreign government support for their flag carriers will continue no matter how severely America weakens its international carriers. Other nations are more acutely conscious than we that national control over the international transportation communication links with the world's political economy is a national security and foreign policy necessity. In the belief that free trade would theoretically be the ideal way of organizing the world travel economy, the U.S. government ignores the rock hard fact that nation-states rather than individual companies are in reality the principal economic players providing key infrastructure services such as travel.

In present circumstances, the Executive is using travel bans and military strikes as off - the - shelf counter-terrorism policy options without any consideration of the impact these are having on overseas travel communications.

Q9. You appear to be critical of the Boycott Resolution of the International Federation of Airline Pilots Associations. Why?

A9. The elected governments of nation-states rather than private sector labor unions and travel trade associations are responsible to the American people for foreign policy and national security decisions that affect the entire nation. The Airline Pilots Association (ALPA) has acted before and now as a vigilante, assuming that it has the right and moral obligation to prevent citizens from traveling to achieve its political objectives.

The 1983 IFALPA boycott of the Soviet Union that had been instigated by the United States via ALPA was an abject failure and fell apart within two weeks. The 'isolated' Soviet airline substantially increased its customer base and revenues at the expense of the airlines boycotted by IFALPA. It is virtually impossible nowadays to isolate a nation by cutting off a few of many travel connections. Under the IFALPA boycott resolution, presumably they will boycott Syria next and then all of the Communist countries that are backing Syria and Libya, and then, if they follow the logic of their boycott resolution, the Western European countries that are providing armaments to Libya and Syria. These acts of economic war are among the gravest responsibilities of governments and it would be simply foolhardy for the United States government to turn them over to airline pilots or any other private sector vigilante group.

Q10. Under what circumstance would you support a sanction initiated by the private sector?

A10. None

Q11. In an article that appeared in the magazine "The Travel Agent" you stated that governments should act in concert or not at all. Is that a prescription for guaranteed inaction?

A11. Recent events have dramatically illustrated the fact that the security of Americans abroad is more dependent on the actions of foreign governments than it is on the actions of our own government. The Pax Americana of the post WW II period, when U.S. power was at its zenith relative to other countries, is past.

The security of American travelers and the preservation of overseas American travel flows are among many often conflicting policy objectives involving many foreign governments. However emotionally unsatisfying, the U.S. government has no other alternative but to work with those governments to achieve these policy objectives with all the compromises that cooperation entails.

A unilateral economic embargo might make American policymakers and voters feel good but it hurts American economic and foreign policy interests far more than it hurts the target country. Unilateral militarization of counter-terrorism policy has produced the unilateral 'mediaization' behind the hysteria that is detering Americans from foreign travel. Economic and military unilateral actions tend to provoke retaliatory attacks on American targets. Cooperative international warfare action is unlikely. The irony of current policy is that the United States government has imposed a defacto travel embargo against American and European travel companies to force European governments to support an embargo of Libya. Terrorists appear to have found America's travel self destruct button.

Q12. You also stated that travel is a fundamental human right which should be protected by the constitution. Could you please expand on this statement?

A12. Travel is recognized as a fundamental human right not only by the U.S. and European travel trade organizations that combined recently to write the charter of the counter-terrorism oriented Travelers Security Policy Council, but by governments that signed the charter of the United Nations and the Helsinki Final Act.

The First Ammendment of the U.S. constitution protects citizens' access to information. For example, U.S. courts have affirmed the rights of scholars at American universities to hear the ideas of foreign persons whose political ideology is hostile by instructing the executive to document foreigners to travel to speak on American soil. The same access-to-information principle needs to be applied also to Americans traveling abroad.

This is especially important for travel to developing countries where the direct travel experience of American information elites is at least as important an information source as scarce press and scholarly reports because these countries out of the mainstream of Western commerce and culture are not newsworthy to most people. It is silly, for example, to ban travel to Libya and keep open press, telecommunications, and postal services on first ammendment grounds. Is the objective really to isolate Libya from the United States or from the rest of the world? Current policy prevents those Americans from knowing what is really happening who most need to learn with their own eyes and ears. A narrow interpretation of the First Ammendment to protect only the press, post and telecommunications media from embargo so that citizens can stay informed, and not to protect the equally fundamental right to travel results in the anomaly that the citizen elites who manage America's relations with the embargoed destinations cannot stay informed. This not only violates their human rights; it is bad foreign policy.

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A12. Congress and the public are engaged in debate over U.S. policy to Nicaragua that is kept alive in part because so many Americans have traveled there. An open, democratic, capitalist information society like the United States depends on knowledgeable and informed citizens.

Unfortunately, travel flows are perceived almost entirely as non-essential consumption, recreation, and leisure activities by American courts and legislatures as well as by the foreign policy makers and the public at large.

Legislation identifying the fundamental human right of foreign travel most likely will precede action in the courts and the executive. Until then, travel bans will continue to be the first weapon fired in each new undeclared economic war. For this reason, but also because the Supreme Court has been reluctant to challenge the Executive's foreign policy authority, the constitutional right of citizens to foreign travel has not been adequately defended.

Q13. You have advocated that governments should never use travel controls as foreign policy weapons. Under what circumstances can a government use travel controls? For what purpose?

A13. Totalitarian governments use travel controls as a principal way of restricting access to information within their countries. For Democratic countries to use travel controls against totalitarian countries, is merely to do their governments' job for them. The existing travel controls to Cuba and other countries, for example, are extremely counterproductive.

To stop Americans from traveling to Libya or Syria in the hope that this will cause the governments of these countries to change their policies is to overestimate these countries dependence on American travelers. The controls merely reduce our influence and limit our information about what is going on in countries that are important to Middle East security.

The only valid reason for imposing travel controls under the International Emergency Economic Powers Act or under any other authority is to keep citizens away from legitimate war zones for their own safety and to allow military commanders an unobstructed field of fire. Thus travel controls are warranted for extreme national security reasons identified by Congress. As a foreign policy,as distinguished from a national security tool, they are counterproductive.

The President's Export Council in 1983 reported to the President a study which first appeared in hearings before this subcommittee when it was chaired by Jonathan Bingham, that travel controls hurt U.S. travel companies more than they hurt the travel companies of the target countries. Unfortunately, once having applied travel controls, Administrations do not want to study the adverse impact of their actions that were probably taken in the first place for their symbolic effect to satisfy the public that at least something was being done. This committee might wish to ask the General Accounting Office in cooperation with the Travelers Security Policy Council and other travel industry associations to conduct an analysis of recent and current travel controls, comparing the stated foreign policy objective behind their imposition with the actual results and the costs involved from curtailing travel flows.

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Q14. What role can the private sector play in improving the travel environment? Has the industry ever attempted to convince the Europeans to cooperate more than they have been in the area of counter-terrorism.

A14. Travel industry associations in the United States and Europe have taken the extraordinary and unprecedented step of creating the Travelers Security Policy Council to communicate more effectively with governments on how best to protect travelers while minimising the impact of terrorism on travel patterns. The objective of the council is to provide better information to the U.S. government to strengthen its ability to convince foreign governments to cooperate while persuading U.S. authorities to act in moderation. Keeping counter-terrorism policy demilitarized was an unstated objective.

The Chairman of the European Travel Commission is a member of the TSPC, and U.S. trade associations are pressuring him and the 23 tourist offices he represents to be more responsive to U.S. security concerns.

While the TSPC was being organized, the United States Tour Operators Association put forward the idea that the travel industry could serve as a discreet back channel for communicating with the transportation and tourism ministers of foreign governments on the urgent need to improve international cooperation on measures to improve travelers security. The USTOA helped convince at least one country to improve airport security.

The one possible good thing to come out of the transatlantic travel disaster is recognition by all governments including our own that travel flows are significant in their own right and are worth protecting.

Q15. On page 4 of your testimony, you mention that lost tourism revenues to countries in the Mediterranean will have to be made up by direct grants from U. S. taxpayers. Do you genuinely believe that this will happen? Are you aware of the substantial cuts in foreign aid contained in both the Democratic and Republican budget prorposals that are being debated today on the House floor?

A15. I believe that Congress will attempt to limit foreign aid expenditures to the vitally important and economically stricken Mediterranean countries but when the full impact of this decision is realized that it will be reversed. If the United States continues to place the same priority it has on the economic and therefore political and military survival of Israel and Egypt, which are economically dependent on foreign tourism, some way will be found in the future as it always has been in the past to channel U.S. direct grants to assure their survival.

Q16. You expressed grave concern over our current counter-terrorism policy. In your conclusion you call for a sensible policy aimed at minimizing distortions in U.S. travel flows. But shouldn't the main purpose of any counter-terrorism policy be to counter terrorism, and aren't terrorists themselves primarily responsible for the distortions?

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A16. The main purpose of any counter-terrorism policy must be to counter rather than to "combat" terrorism. Countering terrorism is one policy objective among many. I have argued above that it is being pursued with the wrong tools of military and economic war. The impact of our own violent policy reaction to terrorists has played into the terrorists hands by deterring American travelers from those destinations they wish to isolate. I don't believe that undeclared or declared war is a viable solution to the problem of Arab terrorism against American officials living abroad and American travelers.

As long as the conditions exist that spawn terrorists, we are going to have to learn to live with them by being more informed as individual travelers, as travel companies, and as governments. We are also individually and collectively going to have to improve passive security measures to keep terrorists away from travel targets. Beyond that, active security measures must be taken to reduce the freedom of maneuver of terrorists such as cutting down their diplomatic support systems, restricting travel documentation to likely categories of terrorists, and capturing, prosecuting, and incarcerating terrorists. None of these policies will eliminate terrorism but they will reduce it while they improve travelers security and limit the negative economic impact of terrorism. Economic embargoes and military actions do not importantly affect the fundamental causes of terrorism and in fact tend to fuel the cauldron that brewed them.

I wish to emphasize that the perception of danger far exceeds the actual danger and that perceptions are presently being fueled at least as much by the American resolve wage and economic war against states sponsoring terrorism as it is by the actual terrorists acts that have provoked this grossly inappropriate policy response. The cure has become at least as bad as the disease in its devastating impact on travel flows.

Q17. Putting aside the important cultural and political benefits of foreign travel by Americans, aren't there certain balance of payment benefits by the shift to more foreigners visiting the United States and fewer Americans traveling overseas?

It would be simplistic in the extreme to look only at America's international travel account and to conclude that because of terrorism the nation is saving money because fewer Americans are traveling overseas, and is gaining money because European travel to the United States is increasing while more Americans are traveling at home rather than abroad. Maintaining and resupplying the battle fleet that attacked and continues to threaten Libya is costing hundreds of millions of dollars to the American balance of payments and in increased taxation and borrowing. The loss to current and future American economic accounts with the rest of the world because salesmen and scientists are avoiding Europe and the Mediterranean this year out of fear of terrorist attack vastly surpasses the loss to military leakage. One might be able to say resort areas in Florida gain or that Canada gains in the short run but one cannot say that the nation gains economically, It is almost a dead loss.

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Q18. As an economist, I wonder if you could comment on how much of the damage to certain sectors of the American travel industry would be offset by increased domestic spending on other sectors, or on other industries altogether?

A18. The American travel companies that comprise the U.S. portion of the trans-atlantic travel infrastructure including especially airlines, tour operators, travel agents and the international hotel chains are being hurt proportionately more than are European travel companies. Foreign governments play a greater role in their travel economies than the U.S. government under its current policy of deregulation, desubsidization and privatization. Foreign governments are going to assist their companies to recover from this extraordinary blow while the U.S. government will act as if the counter-terrorist war is a normal travel market phenomenon to which U.S. companies must adjust on their own. I fear that as the balance of travel shifts from the United States-to-Europe to Europe-to-the-United States that the natural competitive advantage of European companies will be enhanced by additional government subsidy and other assistance and that this will result in their economies gaining greater market share not only on travel from Europe to the United States but within the U.S. outbound travel market to Europe. The current avoidance of U.S. airplanes by U.S. travelers out of fear can become a preference for the subsidized carriers of Europe. A weakened U.S. international travel infrastructure bodes ill in the long run for travel to the United States, because American companies are more committed to the United States as a destination than are European companies that are chosing among other attractive long haul destinations like Asia, Africa and South America.

Some Americans who have decided not to travel to Europe will buy VCR's and build swimming pools and others will travel to Hawaii and other U. S. destinations. Even with this transference there is still a huge overall net loss to the American economy. For this reason I am grateful for the opportunity to testify on the severe economic impact of waging war on terrorism. Hopefully, these hearings will help promote a better understanding of the infrastructure role of foreign travel in America's economic and other foreign relations. Perhaps recognition of the role of foreign travel as a vital information medium will become more widespread in policy circles so that in the future the preservation and enhancement of travel flows will be seen as a legitimate foreign policy objective and that travel denial will be avoided as a foreign policy instrument because it is destructive of an open and democractic information society.

APPENDIX 18

RESPONSES BY H. WAYNE BERENS TO ADDITIONAL QUESTIONS SUBMITTED BY THE COMMITTEE ON FOREIGN AFFAIRS

1. What is the national interest in tourism?

Tourism has many unique positive benefits for a country and its people. During my testimony I refered to comments made by Pope John Paul before a group of ASTA travel agents in which he refered to how tourism has strengthened unity and fraternal solidarity between individuals and nations. Clearly, there are also economic benefits derived from tourism, and these benefits, for the most part, do not have the counter balancing negative effects found in some other industries. For example, mining and manufacturing many times produce by-products which must be disposed of and which may cause damage to the environment. There are also social and cultural factors to consider, and travel is educational in all senses of the word.

2. How would you characterize the policy of the US government toward terrorism? What are the economic implications of such government policies?

The US government appears to have not always been sensitive to the economic implications of its actions on the tourism industry. I believe the government should be much more active in tourism, and should develop a better appreciation of the benefits that can be derived from it. The government should have more staff abroad and produce more material relating to tourism in support of the private sector.

3. Do you feel the industry is sufficiently consulted by the government with respect to decisions that have an impact on the health of the tourism industry?

While it is true that the government could have consulted the industry more on matters which have an impact on the health of the tourism industry, and while there is considerable room for improvement,we are starting to see an opening in the lines of communication. We hope these lines of communication will remain open, regardless of the issue being discussed, so that we can continue to educate government on the positive impact of tourism. Such government programs as the National Park Service have historical, cultural, social and aesthetic benefits and require an annual committment in order for Americans and others to gain a full appreciation of the many opportunities in this country.

4. While you agree that terrorism has had a terrible affect on transatlantic travel, you seem to counsel caution against hysteria. How does the industry propose to rectify the extreme perception adopted by the general public concerning travel to Europe?

The Travelers Security Policy Council is attempting to deal with the perception to which you refer, and there continues to be discussion among its members as to how best to convey to the media and to the public that while travel in general is safe, travelers should exercise good judgement regardless of their destination or mode of transportation. The Council will soon be releasing a booklet of travel tips which can be used to remind travelers of how to increase their safety.

5. Your testimony seems to indicate that the downward trend in transatlantic travel is due in part only to terrorism. Is a misperception of the ills of the industry being created?

The travel industry isn't sick, although terrorism and other factors have had an impact on various components of the industry. Factors such as the decline in the value of the dollar are also altering people's travel plans. Unfortunately, the media has chosen to focus on only numbers indicating a decline in travel, regardless of how valid they are or who is making the comment.

6. Do you see long-term changes occuring in the perception of the public with respect to travel opportunities? If so, how will these changes influence travel flows in and out of this country?

We do not think there will be a long-term perceptual change in the value of travel. A few years ago there was a rash of hijackings, yet the public continued to travel and accepted the programs aimed at improving their safety. As for travel flows, the value of the dollar will probably always have a significant impact on people's travel plans. The United States is an attractive destination, and the perception is that it is a safe country.

7. Have other countries taken adequate steps, in your opinion, to correct the damage that has been done to their tourism interests?

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Some attempts have been made to let the public know that they are welcome and that steps are being taken to insure their safety. We are seeing quicker responses throughout the world to security threats. The procedures which were promptly introduced to insure safety when crossing the English Channel are one example. We remain committed to increasing traveler safety, and hope all countries take full advantage of the technological advances being made in this area.

8. The Travelers Security Policy Council was recently created to deal with issues pertaining to travel safety. Do you believe there is a solution which would permit the government to pursue aggressive counter-terrorism policies, while at the same time maintaining existing travel flows?

Clearly, it has been suggested that aggressive actions have an impact on travel flows. In the long-term such actions may serve to ultimately create a more positive climate for tourism and serve to curb terrorist incidents. I certainly hope, however, military action is used only as a last resort after all other alternatives, such as diplomacy, economic boycotts and blockades, have proven unsuccessful.

9. How can one provide increased security to travelers without having to secure the places and attractions they visit?

We can increase public awareness of safety and suggest that people do not leave their common sense at home when they're on vacation. There might have to be an increase in visible security in some areas, although many would consider this a welcome sight. Some of these measures might have benefits beyond countering terrorism. For example, training staff to supervise an evacuation of an exhibit hall at a theme park would be appropriate, regardless of the reason for the evacuation. Such training would be applicable to carriers as well as places and attractions. Also, some countries which have better awareness programs could be used as examples of informed and involved citizenries.

10. According to the testimony of the Under Secretary of Commerce for Travel and Tourism, some countries are only now beginning to appreciate the benefits they derive from American tourism. If that is the case, what chances do you give for increased cooperation among governments to improve the safety of travel and tourism?

We think there will be a continuation of the increased cooperation we have recently seen. We are understand that there have been vast improvements in the sharing of data and intelligence among the US and European countries, some of which have perhaps not been as helpful in the past.

11. Based on current forecasts what will be the outcome for the travel industry?

This will not be a good year for travel agents. Published reports indicate that Europe may have a poor year, while the US, as a destination, will have a good year. Some components of the travel industry, such as car rental companies, hotels, domestic airlines and those firms which operate domestic motorcoach tours, may have very good years, but these benefits will not be spread throughout the entire industry.

12. Are the existing travel advisory procedures of the US government adequate?

I am not sure they are timely or adequate. Travel advisories are not needed "after the fact". Perhaps levels of advisories are needed, for example, one level for hotel shortages, another for earthquakes and other disasters, and a third for security related matters. Is there perhaps too much scrutiny of information prior to the release of an advisory?

13. Under what circumstances should the government employ travel controls?

Philosophically, I do not believe that the US should curtail the freedom of travel, except perhaps in times of war or national emergency.

14. One of the goals of the Travelers Security Policy Council will be to institute a consumer information program about measures taken by government and industry to improve traveler security. Will the Council also make specific recommendations for such safety improvements?

The Travelers Security Policy Council could make some general recommendations but probably will not evaluate existing measures and make specific suggestions, unless Council members want to comment on their specific fields of expertise. There is perhaps a danger to publicizing areas of weak security. An example of an area where the Council may want to comment is the advisibility of having a tour company's name being prominently displayed on a sightseeing bus.

APPENDIX 19

TOM FENTON REPORT ON AMERICANS STILL DOING BUSINESS WITH LIBYA, AIRED ON CBS EVENING NEWS WITH DAN RATHER, APRIL 21, 1986

FENTON OIL
CBS Evening News w/Dan Rather
Aired 4/21/86

VO:
THE NIGHT AMERICAN FIGHTER BOMBERS
ATTACKED LIBYA, OIL INDUSTrY SOURCES SAY,
AN AMERICAN OIL COMPANY WAS LOADING A
TANKER IN TRIPOLI HARBOR. EVEN TODAY,

U.S. OIL COMPANIES
CONTINUE TO DO BUSINESS WITH LIBYA

SOT MEHDI VARZI, OIL ANALYST:
"THE ARE TRYING TO MAINTAIN BUSINESS,
SHALL WE SAY, AT MINIMUM LEVELS, BUT THEY
ARE INVOLVED IN LIBYAN OIL OPERATIONS."

VO GRAPHICS:
THE FIVE AMERICAN
COMPANIES STILL
OPERATING IN LIBYA ARE
OCCIDENTAL
PETROLEUM, CONOCO, MARATHON
OIL, AMERADA
HESS AND GRACE
PETROLEUM. THEIR TOTAL
ASSETS IN LIBYA ARE
ESTIMATED AT 2
BILLION DOLLARS.

VO:
LAST YEAR, THEY PUMPED
ALMOST HALF OF
GADAFFI'S OIL. PERHAPS MORE
IMPORTANTLY,
THEY ARE PRACTICALLY HIS ONLY
SOURCE OF
HARD CASH.

SOT HENRY SCHULLER, GEORGETOWN UNIVERSITY:
"LAST YEAR, THEY PROBABLY SOLD 100 MILLION BARRELS OF OIL ON BEHALF OF GADAFFI AND PRODUCED REVENUES FOR GADAFFI OF 2 BILLION DOLLARS IN TAXES, WHICH HE THEN USED FOR HIS OWN PURPOSES."

VO:
IN JANUARY, WHEN THE PRESIDENT ORDERED ALL AMERICANS OUT OF LIBYA AND BANNED ALL TRADE, THE OIL COMPANIES ARGUED THAT THEY SHOULD BE EXEMPT, AND THE WHITE HOUSE AGREED.

SOT MEHDI VARZI:
"IF THEY WERE SUDDENLY TO PULL OUT, THEY WOULD OBVIOUSLY LEAVE ALL THEIR CAPITAL INVESTMENT BEHIND AND THAT WOULD BE SEEN AS A WINDFALL FOR THE LIBYAN GOVERNMENT."

VO:
BUT OTHER EXPERTS ON LIBYA CONTEND THAT THE OIL COMPANY CONTRACTS WITH GADAFFI ALLOW THE COMPANIES TO SUSPEND OPERATIONS WITHOUT LOSING THEIR ASSETS. HENRY SCHULLER CLAIMS THE WHITE HOUSE WAS MISLED.

SOT HENRY SCHULLER:
"I'M SORRY TO SAY I THINK THAT THEY PROBABLY DIDN'T UNDERSTAND THE SITUATION AND DIDN'T REALIZE WHAT THEY WERE DOING, AND THEY LET THE COMPANIES CME AND BLOW A LOT OF SMOKE AND CONFUSE THINGS FOR THEM."

VO:
THE WHITE HOUSE WOULD NOT COMMENT, AND THE AMERICAN OIL COMPANIES ARE CLEARLY EMBARRASSED. NONE OF THEM WOULD GRANT US AN ON CAMERA INTERVIEW. FORMER CHIEF OF STAFF GENERAL DAVID JONES, NOW A BOARD MEMBER OF THE PARENT COMPANY OF MARATHON OIL, TOLD CBS NEWS, "I'D RATHER STAY OUT OF THIS ONE."

THE ADMINISTRATION SAID IT WAS FORCED TO TAKE MILITARY ACTION AGAINST LIBYA BECAUSE THE EUROPEANS WERE NOT PREPARED TO JOIN IN TOUGH ECONOMIC SANCTIONS.BUT EXPERTS SAY THAT IF THE UNITED STATES ORDERED ITS OWN OIL COMPANIES OUT OF LIBYA, THAT WOULD IMMEDIATELY CUT GADAFFI'S REVENUES BY AS MUCH AS 50 TO 75 PERCENT.

SOT DENZIL DAVIES, BRITISH LABOR PARTY:
"I THINK THERE'S A CERTAIN AMOUNT OF HYPROCRISY. I'M SORRY OF THAT'S A STRONG WORD. I WOULD HAVE THOUGHT THAT THE FIRST ACT OF THE REAGAN ADMINISTRATION SHOULD HAVE BEEN TO REMOVE THOSE OIL COMPANIES FROM LIBYA, BUT IT'S A GOVERNMENT OF BUSINESSMEN, AND ONE CAN'T SEE BUSINESSMEN REALLY HARMING BUSINESS INTERESTS."

ON CAMERA:
AND IF THE WHITE HOUSE IS SENDING MIXED SIGNALS TO OUR EUROPEAN ALLIES, WHAT MUST GADAFFI THINK. THE UNITED STATES IS BOMBING HIM AND DOING BUSINESS WITH HIM AT THE SAME TIME.

TOM FENTON, CBS NEWS, LONDON

APPENDIX 20

LETTER FROM CHAIRMAN FASCELL TO SECRETARY OF THE TREASURY BAKER CONCERNING U.S. GOVERNMENT POLICIES GOVERNING U.S. OIL COMPANIES' OPERATIONS IN LIBYA

May 6, 1986

The Honorable James A. Baker, III
Secretary
Department of the Treasury
Washington, D.C. 20220

Dear Mr. Secretary:

As you may know, the Committee on Foreign Affairs has been conducting hearings on international terrorism and the effectivness of U.S. policies and programs to combat the increased threat of Libyan and other state-sponsored terrorism.

However, it has come to my attention during the subcommittee's hearings and in meetings with Europeans that there seems to be some confusion with respect to the U.S. Government's policies governing U.S. oil companies' operations in Libya. If we are to pursue effectively enhanced cooperation with our allies to engage in a program of economic and diplomatic sanctions against Libya, how then can we explain the continued operation of U.S. oil companies doing business as usual in Libya?

It is my understanding that the Department of the Treasury has issued limited licenses to enable U.S. oil companies to continue to operate in Libya on a limited basis while they disposed of their assets. According to press reports, the five U.S. oil companies in Libya have not been informed by the administration that they must curtail their operations by June 30th. In this respect, I am requesting a complete review by the Department of the Treasury to clarify this situation once and for all with respect to U.S. oil companies operating in Libya. What is the exact status of U.S. oil companies' operations in Libya? Since Libya owns 51% of their holdings what is the financial impact of their withdrawal? Aren't their assets in Libya effectively owned by Quaddafi? What about the tax implications for those U.S. companies? How many people are currently employed in their Libyan operations now and a year ago?

It was my understanding that the President intended to impose a total economic boycott on Libya. Therefore, I fully expect that the limited licenses issued by the Department of the Treasury to U.S. oil companies will in fact be terminated by the end of June so that a total economic U.S. boycott on Libya will be a reality.

I look forward to receiving your report on this matter in a timely fashion and would invite you to follow up this report with an appearance before the Committee on Foreign Affairs in a closed briefing to discuss and clarify this matter.

With best wishes, I am

Sincerely yours,

Dante B. Fascell
Chairman

DBF:tvj

APPENDIX 21

TEXT OF PRESIDENT REAGAN'S ADDRESS OF APRIL 14, 1986 CONCERNING THE AMERICAN ATTACK ON LIBYA

My fellow Americans, at 7 o'clock this evening, eastern time, air and naval forces of the United States launched a series of strikes against the headquarters, terrorist facilities and military assets that support Muammar Qaddafi's subversive activities.

The attacks were concentrated and carefully targeted to minimize casualties among the Libyan people, with whom we have no quarrel. From initial reports our forces have succeeded in their mission.

Several weeks ago in New Orleans, I warned Colonel Qaddafi we would hold his regime accountable for any new terrorist attacks launched against American citizens. More recently, I made it clear we would respond as soon as we determined conclusively who was responsible for such attacks.

On April 5 in West Berlin, a terrorist bomb exploded in a nightclub frequented by American servicemen. Sergeant Kenneth Ford and a young Turkish woman were killed, and 230 others were wounded, among them some 50 American military personnel.

world. The Libyan people are a decent people caught in the grip of a tyrant.

To our friends and allies in Europe who cooperated in today's mission, I would only say, you have the permanent gratitude of the American people. Europeans who remember history understand better than most that there is no security, no safety in the appeasement of evil. It must be the core of western policy that there be no sanctuary for terror: and to sustain such a policy, free men and free nations must unite and work together.

Sometimes it is said that by imposing sanctions against Colonel Qaddafi or by striking at his terrorist installations, we only magnify the man's importance, that the proper way to deal with him is to ignore him.

I do not agree.

Long before I came into this office, Colonel Qaddafi had engaged in acts of international terror, acts that put him outside the company of civilized men. For years, however, he suffered no economic or political or military sanction. And the atrocities mounted in number, as did the innocent dead and wounded.

This monstrous brutality is but the latest act in Colonel Qaddafi's reign of terror. The evidence is now conclusive that the terrorist bombing of La Belle discotheque was planned and executed under the direct orders of the Libyan regime.

On March 25, more than a week before the attack, orders were sent from Tripoli to the Libyan People's Bureau in East Berlin to conduct the terrorist attack against Americans to cause maximum and indiscriminate casualties. Libya's agents then planted the bomb.

On April 4, the People's Bureau alerted Tripoli that the attack would be carried out the following morning. The next day, they reported back to Tripoli on the great success of their mission. Our evidence is direct. It is precise. It is irrefutable.

We have solid evidence about other attacks Qaddafi has planned against the United States installations and diplomats and even American tourists. Thanks to close cooperation with our friends, some of these have been prevented. With the help of French authorities, we recently aborted one such attack: a planned massacre using grenades and small arms of civilians waiting in line for visas at an American embassy.

Colonel Qaddafi is not only an enemy of the United States. His record of subversion and aggression against neighboring states in Africa is well documented and well known. He has ordered the murder of fellow Libyans in countless countries. He has sanctioned acts of terror in Africa, Europe and the Middle East as well as the Western Hemisphere.

Today, we have done what we had to do. If necessary, we shall do it again. It gives me no pleasure to say that, and I wish it were otherwise.

Before Qaddafi seized power in 1969, the people of Libya had been friends of the United States. And I'm sure that today most Libyans are ashamed and disgusted that this man has made their country a synonym for barbarism around the

And for us to ignore by inaction the slaughter of American civilians and American soldiers—whether in nightclubs or airline terminals—is simply not in the American tradition. When our citizens are abused or attacked anywhere in the world, on the direct orders of a hostile regime, we will respond, so long as I am in this Oval Office.

Self-defense is not only our right, it is our duty. It is the purpose behind the mission undertaken tonight, a mission fully consistent with Article 51 of the United Nations charter. We believe that this preemptive action against his terrorist installations will not only diminish Colonel Qaddafi's capacity to export terror, it will provide him with incentives and reasons to alter his criminal behavior.

I have no illusion that tonight's action will ring down the curtain on Qaddafi's reign of terror. But this mission, violent though it was, can bring closer a safer and more secure world for decent men and women. We will persevere.

This afternoon, we consulted with the leaders of Congress regarding what we were about to do and why. Tonight, I salute the skill and professionalism of the men and women of our armed forces who carried out this mission. It's an honor to be your commander in chief.

We Americans are slow to anger. We always seek peaceful avenues before resorting to the use of force. And we did. We tried quiet diplomacy, public condemnation, economic sanctions and demonstrations of military force.

None succeeded. Despite our repeated warnings, Qaddafi continued his reckless policy of intimidation, his relentless pursuit of terror. He counted on America to be passive.

He counted wrong.

I warned that there should be no place on earth where terrorists can rest and train and practice their deadly skills. I meant it. I said that we would act with others, if possible, and alone if necessary to ensure that terrorists have no sanctuary anywhere.

Tonight we have.